

# Washington State Register

**MARCH 18, 1987**

**OLYMPIA, WASHINGTON**

**ISSUE 87-06**



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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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## CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of March 1987 pursuant to RCW 19.52.020 is twelve percent (12%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

The maximum allowable retail installment contract service charge applicable for calendar year 1987 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

### 2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

### 3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined matter is new matter;
  - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

### 4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

### 5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [ ].

### 7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1986 - 1987

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
86-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987
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87-01	Nov 26	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 27
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87-03	Dec 24, 1986	Jan 7, 1987	Jan 21	Feb 4	Feb 24
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87-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21
87-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
87-09	Mar 25	Apr 8	Apr 22	May 6	May 26
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87-11	Apr 22	May 6	May 20	Jun 3	Jun 23
87-12	May 6	May 20	Jun 3	Jun 17	Jul 7
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87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988

<sup>1</sup>All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup>"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

**WSR 87-06-001**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2468—Filed February 19, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prepaid health plans, amending WAC 388-86-009.

This action is taken pursuant to Notice No. WSR 87-02-015 filed with the code reviser on December 31, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2401A, filed 8/12/86)

**WAC 388-86-009 PREPAID HEALTH PLANS.**

(1) The department may enter into agreements with prepaid health plans including, but not limited to:

- (a) Health maintenance organizations (HMOs);
- (b) Preferred provider organizations (PPOs); and
- (c) Health insuring organizations (HIOs).

(2) Recipients enrolled in such plans are limited to the providers and services covered under these plans, except for:

- (a) Services not included in the agreement;
- (b) Service delivery arrangements otherwise approved by the department; or
- (c) Services which are immediately required due to an unforeseen injury, illness or condition.

(3) Enrollment in these plans may be voluntary or mandatory depending on the requirements of the plan as determined by the department.

(4) A recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has the right to request a fair hearing if the decision is adverse or a written decision is not received within thirty days from the date the plan received the grievance.

(5) Voluntary prepaid health plans (~~((that have a contract)) with ((the department may include)) a stay-in ((requirement. Recipients choosing one of these plans must stay in the same plan for a period, as required by the contract, not to exceed six months, except that))~~ provision shall have the following limitations:

- (a) Enrollment:

(i) Enrollment periods shall be semi-annual one-month periods as determined by the department.

(ii) The department shall enroll the recipient if the recipient's request for enrollment is received:

(A) Within thirty days of certification for assistance;

or  
(B) Within thirty days of the date of transfer into the service area; or

(C) During an enrollment period.

(b) Disenrollment:

(i) The recipient may disenroll without cause:

~~((i))~~ (A) During the first month of enrollment; or

~~((ii))~~ (B) During the semi-annual one-month ((dis-enrollment)) enrollment period.

~~((b))~~ (ii) The department shall disenroll the recipient ((may be disenrolled)) if:

~~((i))~~ (A) Eligibility for medical assistance is terminated; or

~~((ii))~~ (B) The recipient moves out of the area served by the prepaid health plan((-)); or

~~((c))~~ (C) The recipient ((may disenroll if)) demonstrates that he/she has good cause for disenrollment which shall include but not be limited to:

~~((i))~~ (I) Medically necessary services are not reasonably available from or through the ((HMO)) prepaid health plan; or

~~((ii))~~ (II) The ((HMO)) prepaid health plan has denied medically necessary services to the recipient; or

~~((iii))~~ (III) A change in circumstances results in geographical barriers making it unreasonably difficult for the recipient to obtain medically necessary services from or through the ((HMO)) prepaid health plan.

~~((d))~~ Voluntary disenrollment by the recipient will not hinder the recipient's right to reenroll at any time in any prepaid health plan that has a contract with the department.

~~(6) Effective February 1, 1986, certain recipients will be enrolled in a Health Insuring Organization designated by the department. Enrollment in this plan is mandatory for individuals certified as recipients of aid to families with dependent children-regular (AFDC-R), who live in Kitsap and Mason counties.)~~

**WSR 87-06-002**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2469—Filed February 19, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to private duty nursing services, amending WAC 388-86-071.

This action is taken pursuant to Notice No. WSR 87-02-016 filed with the code reviser on December 31, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 1923, filed 12/15/82)

WAC 388-86-071 PRIVATE DUTY NURSING SERVICES. (1) The department shall approve private duty nursing services ~~((may be approved))~~ when:

~~((1))~~ (a) The ~~((individual))~~ patient would otherwise be institutionalized; and

~~((2))~~ (b) The care is provided in a noninstitutional setting; and

~~((3))~~ (c) The services are medically necessary; and

(d) The cost of the services will not exceed the cost of:

(i) Available skilled nursing facility care as determined by the exceptional rate review; or

(ii) Hospital care if skilled nursing facility care is not available; and

(e) The patient requires more ~~((individual and continuous))~~ nursing care than is available through home health ~~((nursing))~~ services; and

~~((4))~~ (f) The care is provided by a registered or licensed practical nurse under the direction of a physician; and

~~((5))~~ The services are the least costly alternative to care in a medical institution; and

~~((6))~~ (g) The division of medical assistance has given prior approval ~~((is obtained from the office of the medical director))~~ to the overall plan of care.

(2) The patient and/or family may pay for supplemental services, not covered in the approved plan of care, as provided in WAC 388-83-010(3).

WSR 87-06-003

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2470—Filed February 19, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 87-02-030 filed with the code reviser on December 31, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Leslie F. James, Director  
Administrative Services

NEW SECTION

WAC 388-54-662 CATEGORICAL ELIGIBILITY. (1) The department shall determine households categorically eligible for food stamps when:

(a) All members are eligible to receive AFDC and/or SSI benefits; and

(b) The household meets all food stamp eligibility and benefit provisions except:

(i) Resources.

(ii) Gross and net income standards.

(iii) Social security number requirements.

(iv) Sponsored alien requirement.

(v) Residency requirement.

(2) Categorical eligibility shall not apply when:

(a) An entire household is institutionalized or disqualified for any reason; or

(b) Any household member is disqualified for committing an intentional program violation.

AMENDATORY SECTION (Amending Order 2077, filed 2/28/84)

WAC 388-54-765 CERTIFICATION PERIODS—NOTICES TO HOUSEHOLDS. (1) A written notice of eligibility, denial, or pending status shall be provided to all applicant households as soon as a determination is made but not later than thirty days after the date of initial application.

(2) Households denied food stamps pending a determination of categorical eligibility shall be provided a notice no earlier than thirty days after the joint application.

(3) The department shall notify certified households prior to effecting any change in benefit levels except as provided in ~~((subsection (2)))~~ (c) of this ~~((section))~~ subsection.

(a) Households shall be given at least ten days advance notice prior to any action to reduce or terminate benefits within the certification period except as provided in ~~((subsections (2)))~~ (b) and ~~((2))~~ (c) of this ~~((section))~~ subsection.

(b) For changes reported on the monthly status report as part of food stamp monthly reporting, the department shall notify households by the date benefits are to be received or in place of the benefits.

(c) Advance notice shall not be required when:

(i) Mass changes are made by federal or state government;

(ii) The department determines that the members of a household have died;

- (iii) The household has moved from the state;
- (iv) Restoration of lost benefits is completed and the household was previously notified in writing of when the increased allotment would terminate;
- (v) Allotment varies from month to month and the household was notified at the time of certification that these changes would be made;
- (vi) If the household experiences reduction in benefits upon approval of a PA grant and was so notified at the time of application;
- (vii) A household member is disqualified for intentional program violation or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.

**AMENDATORY SECTION** (Amending Order 2030, filed 10/6/83)

**WAC 388-54-805 ISSUANCE—RESTORATION OF LOST BENEFITS.** (1) Whenever a household receives fewer benefits than the household is entitled to receive, the department shall restore those benefits when:

- (a) The loss was caused by department error;
  - (b) An administrative disqualification for intentional program violation was subsequently reversed;
  - (c) Any rule or instruction specifies restoration of lost benefits; or
  - (d) Found by any judicial action that benefits were wrongfully withheld.
- (2) Benefits shall be restored for not more than twelve months from:
- (a) The month the department receives a request for restoration;
  - (b) The month the department is notified or otherwise discovers a loss to a household has occurred;
  - (c) The date the household requested a fair hearing when a request for restoration was not received; or
  - (d) The date the court action was initiated when the judicial action is the first action the recipient has taken to obtain restoration of lost benefits.

(3) Households categorically eligible on or after December 23, 1985 shall have benefits restored to the food stamp application date but no earlier than December 23, 1985.

(4) Benefits shall be restored even if the household is currently ineligible.

~~((4))~~ (5) The department shall notify the household of its entitlement, the amount of benefits to be restored, the method of restoration and the right to appeal, and any offsetting that was done.

~~((5))~~ (6) If the household does not agree with the amount to be restored or with any other action taken by the department, the household may request a fair hearing within ninety days of the date the household is notified of the department's action.

~~((6))~~ (7) If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall continue to receive the lost benefits, as determined by the department, pending the result of the fair hearing.

~~((7))~~ (8) Whenever lost benefits are due a household and the household's membership has changed, the department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the department cannot locate or determine the household which contains this majority, the department shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.

**WSR 87-06-004**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2471—Filed February 19, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Kitsap Physicians Service—Sound Care Plan, amending WAC 388-86-00901.

This action is taken pursuant to Notice No. WSR 87-02-062 filed with the code reviser on January 7, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2437, filed 10/21/86)

**WAC 388-86-00901 KITSAP PHYSICIANS SERVICE—SOUND CARE PLAN.** (1) All AFDC-R recipients who live in Kitsap or Mason counties shall be enrolled in the Kitsap Physicians Service Sound Care Plan (plan), except as provided in subsection (3) of this section.

(2) Timely provision of services: The recipient shall have the right to receive medically necessary care without unreasonable delay.

(3) Exemptions and disenrollment: ~~((An applicant or recipient has))~~ The following have the right to be exempt from enrollment in the plan or to disenroll from the plan ~~((if))~~:

(a) Clients for whom medically necessary care that the plan is obligated by contract to provide cannot be made reasonably available. In making the determination, consideration shall include, but not be limited to:

~~((a))~~ (i) Whether distance or transportation problems make it unreasonably difficult for the recipient to obtain services; or

((b)) (ii) Whether the absence of translators or of services accessible to disabled persons makes it unreasonably difficult for the recipient to obtain services.

(b) Indians eligible to receive health services through the Indian Health Service Clinics.

(4) Emergencies: "Emergency" is defined as a situation in which medical services are immediately required to avoid placing an individual's health in serious jeopardy or to alleviate a condition manifesting itself by acute symptoms, including severe pain or discomfort, or active labor. Emergencies and emergency transportation services are exempt from routine medical care authorization procedures.

(a) The recipient is not responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the recipient is not financially responsible for any services rendered.

(c) If an emergency does not exist, and the plan will not authorize further services, the recipient is financially responsible for any further services received only if informed of his/her responsibility prior to the receipt of the services.

(5) Fair hearings: Any applicant or recipient aggrieved by a decision of the plan or the department has the right to a fair hearing as provided in chapter 388-08 WAC.

(a) Except as provided in (b) and (c) of this subsection, a recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date the plan received the grievance.

(b) In any case in which urgently needed medical services are being denied a recipient by the plan, a recipient is only required to provide a written grievance to the plan prior to or at the time of requesting a fair hearing.

(c) An applicant or recipient requesting exemption from enrollment in the plan is not required to file a formal grievance with the plan prior to requesting a fair hearing. The plan may be a party to any such fair hearing.

**WSR 87-06-005**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2472—Filed February 19, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to citizenship and alienage, amending WAC 388-83-015.

This action is taken pursuant to Notice No. WSR 87-02-063 filed with the code reviser on January 7, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-015 CITIZENSHIP AND ALIEN-AGE. (1) An applicant must be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law including an alien who is lawfully present in the United States according to specified sections of the Immigration and Nationality Act. (See WAC 388-26-120.)

(2) An alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law shall be eligible for medicaid only if:

(a) Medical care and services are necessary for treatment of an emergency medical condition of the alien; and

(b) Such alien meets the eligibility requirements of chapters 388-82, 388-83, 388-92, 388-95 and 388-99 WAC;

(c) For purposes of this subsection, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(i) Placing the patient's health in serious jeopardy;

(ii) Serious impairment to bodily functions; or

(iii) Serious dysfunction of any bodily organ or part.

**WSR 87-06-006**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2473—Filed February 19, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medically needy income level, amending WAC 388-99-020.

This action is taken pursuant to Notice No. WSR 87-02-064 filed with the code reviser on January 7, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).



This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2346, filed 3/6/86)

**WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME.** (1) The medically needy income level (MNIL) shall be:

(a) One person	\$	<del>((364))</del> 368
(b) Two persons	\$	<del>((526))</del> 532
(c) Three persons	\$	<del>((552))</del> 555
(d) Four persons	\$	578
(e) Five persons	\$	666
(f) Six persons	\$	756
(g) Seven persons	\$	873
(h) Eight persons	\$	966
(i) Nine persons	\$	1,061
(j) Ten persons and above	\$	1,153

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

**WSR 87-06-007**

**PROPOSED RULES  
STATE PATROL**

[Filed February 19, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Patrol intends to adopt, amend, or repeal rules concerning Affirmative action—Plan goals and timetables regarding officer promotion to the ranks of RCW sergeant and lieutenant;

that the agency will at 1:00 p.m., Tuesday, April 7, 1987, in the Conference Room, State Patrol Supply Building, 4242 Martin Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.43.340.

The specific statute these rules are intended to implement is RCW 43.43.340.

Dated: February 19, 1987

By: Timothy D. Erickson  
Lieutenant, Personnel Section

**STATEMENT OF PURPOSE**

Title: Affirmative action—Plan goals and timetables regarding officer promotion to the ranks of RCW sergeant and lieutenant.

Authority: RCW 43.43.340(5) mandates that the Washington State Patrol develop rules pertaining to affirmative action.

Summary: These rules are proposed by the Washington State Patrol as a result of the passage of Engrossed Substitute Senate Bill 3446, revising RCW 43.43.340, which mandates that the Washington State Patrol develop rules pertaining to affirmative action in regards to promotion to the ranks of sergeant and lieutenant.

These Rules Provide for the Following: The top five names will be referred to the chief for promotional consideration, regardless of their membership in a protected group. Only those protected group members who have qualified and have been placed on the eligibility promotional register for either RCW sergeant or lieutenant shall be considered for inclusion in the Plus 3 referral. As promotional opportunities occur, the protected group which is most underutilized in the particular rank shall be determined, and members of this group shall be first to be considered for inclusion in the Plus 3 referral. If there is no sufficient number of members of the most underutilized protected group on the eligibility list to refer three members thereof for promotional consideration in accord with the Plus 3 referral, members of the next

most underutilized group may be referred and so on until three names have been obtained to fulfill the requirements of the Plus 3 referrals. All persons of each group included in the Plus 3 referral shall be chosen from the eligibility list in the rank order in which they appear on the register. In accordance with the Plus 3 process, under no circumstances will more than three protected group members, along with the top five names on the register, be referred for any one promotional vacancy. The same person or persons may be referred under Plus 3 for more than one vacancy. All officers selected for promotion must pass a medical examination and be certified as to physical fitness to perform the duties of the advanced position.

Agency Position [Responsible for] Drafting and Implementation: Lieutenant Timothy D. Erickson, General Administration Building, AX-12, Olympia, Washington 98504, phone 753-2510.

Agency Comments: The Washington State Patrol attempts to comply with affirmative action goals. These rules, which were developed with the consultation of the Human Rights Commission, will assist the department in meeting these goals.

Government: RCW 43.43.340 (1) through (5), enacted by the legislature of the state of Washington.

Small Business Economic Impact: None.

#### Chapter 446-70 WAC AFFIRMATIVE ACTION

##### WAC

446-70-010	Purpose.
446-70-020	Authority.
446-70-030	Goals and timetables regarding officer promotion to the ranks of RCW sergeant and lieutenant.
446-70-040	Definitions.
446-70-050	Affirmative action plan and requirements.
446-70-060	Affirmative action plan progress reporting.
446-70-070	Affirmative action plan use.
446-70-080	RCW 43.43.340 supplemental (plus 3) referrals.

##### NEW SECTION

WAC 446-70-010 PURPOSE. These rules are proposed by the Washington state patrol as a result of the passage of Engrossed Substitute Senate Bill 3446, revising RCW 43.43.340, which mandates that the Washington state patrol develop rules pertaining to affirmative action. The purpose of these rules is to specify the development and implementation of affirmative action plan goals and timetables in promoting protected group members to the ranks of RCW sergeant and lieutenant.

##### NEW SECTION

WAC 446-70-020 AUTHORITY. The rules contained in this section are promulgated as a result of the authority granted the Washington state patrol by RCW 43.43.340 as amended by chapter 365, Laws of 1985. These laws provide that the Washington state patrol shall adopt rules consistent with the provisions of the chapter regarding the procedures to be followed in complying with affirmative action measures in promotion of Washington state patrol officers to the ranks of RCW sergeant and lieutenant. It further requires the development and implementation of state patrol affirmative action goals and timetables in this regard and that the patrol monitor and report the progress made in attaining the goals and timetables as outlined.

##### NEW SECTION

WAC 446-70-030 GOALS AND TIMETABLES REGARDING OFFICER PROMOTION TO THE RANKS OF RCW SERGEANT AND LIEUTENANT. The state patrol will develop and implement goals and timetables for promoting members of protected

groups to the ranks of RCW sergeant and lieutenant where it has been determined that underutilization exists. Goals shall be established from the state patrol's qualified available work force for RCW sergeants and lieutenants. Timetables for achieving these goals will be calculated by measuring turnover rate, new positions, and other relevant factors.

##### NEW SECTION

WAC 446-70-040 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meaning set forth in the definitions below.

Affirmative action: Procedures by which racial/ethnic minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Goal: A target expressed as both a number and a percentage, for placing protected group members in a job category/group for which underutilization exists. It should normally be the maximum rate that can be achieved by making every good-faith effort.

Protected groups: Means Blacks, Asian/Pacific Islanders, Hispanics, Native Americans, women, persons in the protected age class, qualified persons with physical or mental handicaps meeting the established standards for law enforcement, Vietnam-era veterans, and disabled veterans.

Supplemental (plus 3) referral: A statutorily authorized process by which three qualified, eligible members of underutilized protected groups may be referred to the chief for consideration for promotion to RCW sergeant or lieutenant in addition to the top five names appearing on the eligibility list as required by statute.

Timetables: Established time period by which specific areas of underutilization should be corrected.

##### NEW SECTION

WAC 446-70-050 AFFIRMATIVE ACTION PLAN AND REQUIREMENTS. The Washington state patrol will develop and implement both an equal opportunity/affirmative action policy statement and an affirmative action plan. These shall include provisions for the promotion of protected group members to the ranks of RCW sergeant and lieutenant to comply with RCW 43.43.340 and other applicable state and federal laws, regulations, rules, and guidelines. It shall be updated annually.

##### NEW SECTION

WAC 446-70-060 AFFIRMATIVE ACTION PLAN PROGRESS REPORTING. The chief's designee shall monitor the state patrol's progress with respect to its affirmative action plan and submit a report to the chief of the Washington state patrol, at least annually, defining such progress and containing such other information as the chief may require. An annual report will be sent to the Washington state human rights commission regarding affirmative action progress within the Washington state patrol with respect to promotion of protected group members to the ranks of RCW sergeant and lieutenant.

##### NEW SECTION

WAC 446-70-070 AFFIRMATIVE ACTION PLAN USE. The Washington state patrol may apply affirmative action plans and programs to increase the number of protected group members in the Washington state patrol and particularly in the ranks of RCW sergeant and lieutenant, when it has been determined that a particular protected group or groups are underutilized.

##### NEW SECTION

WAC 446-70-080 RCW 43.43.340 SUPPLEMENTAL (PLUS 3) REFERRALS. For each sergeant or lieutenant vacancy to be filled by promotion, the affirmative action plan will be reviewed. When it is determined under the approved formula established in the patrol's affirmative action plan that a protected group is underutilized, names of qualified protected group members will be referred to the chief for promotional consideration in accord with the plus 3 provision of RCW 43.43.340. Referrals shall be by:

(1) The top five names on the eligibility list will be referred regardless of their membership in a protected group.

(2) Only those protected group members who have qualified and have been placed on the eligibility promotional register for either RCW sergeant or lieutenant shall be considered for inclusion in the plus 3 referral.

(3) As promotional opportunities occur, the protected group which is most underutilized in the particular rank shall be determined and members of this group shall be first to be considered for inclusion in the plus 3 referral.

(4) If there is no sufficient number of members of the most underutilized protected group on the eligibility list to refer three members thereof for promotional consideration in accord with the plus 3 referral, members of the next most underutilized group may be referred, and so on until three names have been obtained to fulfill the requirements of the plus 3 referrals.

(5) All persons of each group included in the plus 3 referral shall be chosen from the eligibility list in the rank order in which they appear on the register.

(6) In accordance with the plus 3 process, under no circumstances will more than three protected group members along with the top five names on the register be referred for any one promotional vacancy.

(7) The same person or persons may be referred under plus 3 for more than one vacancy.

(8) All officers selected for promotion must pass a medical examination and be certified as to physical fitness to perform the duties of the advanced position.

**WSR 87-06-008**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed February 19, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-04-020, 230-04-123, 230-04-140 and 230-04-145; and new section WAC 230-12-305;

that the agency will at 10:00 a.m., Friday, April 10, 1987, in the Whitman Motor Inn, Walla Walla, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 9.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 10, 1987.

Dated: February 19, 1987

By: Frank Miller  
Deputy Director

**STATEMENT OF PURPOSE**

Title: WAC 230-04-020 Application procedure; 230-04-123 Licensing of distributor's representative; 230-04-140 Licensing of public card room employees; 230-04-145 Licensing of manager of bingo games; and 230-12-305 Licensee required to submit updated documents or information.

Description of Purpose: To implement a mandatory training program for licensees to aid the licensee in meeting the requirements of Administrative Code; and to require update on pertinent information regarding the licensee when status changes occur.

Statutory Authority: RCW 9.46.070 (1), (2), (3), (4), (7), (14) and (17).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-04-020 would require mandatory training for the applicant and the person in charge of the activity as a condition of licensing; 230-04-123 would require the applicant to complete a training session prior to licensing; 230-04-140 would require the applicant to complete a training session prior to licensing; 230-04-145 would require the applicant to complete a training session prior to licensing; and 230-12-305 requires continued updating of information on the application to ensure proper and continued qualification.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Ronald O. Bailey, Director; and Frank L. Miller, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-1075 scan, 753-1075 comm.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment and new rule.

Agency Comments: The agency believes the proposed amendment and new rule are self-explanatory and need no further comment.

This amendment and new rule were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment or new rule.

AMENDATORY SECTION (Amending Order 137, filed 10/18/83)

WAC 230-04-020 APPLICATION PROCEDURE - MANDATORY TRAINING REQUIRED. Applicants for license from the commission shall submit applications to the office of the commission in Olympia. The information requested on the appropriate application form is required to be submitted by each applicant for a license.

The application shall be signed under oath by the highest ranking executive officer of a charitable, nonprofit or profit seeking corporation, such as the president of a firm or club or the head pastor or minister of a church; or by the principal owner of a profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the state of Washington, the application must be signed by the mayor or the mayor's designated representative.

Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.

The commission will consider only those applicants submitting the form and fully completing all the applicable portions of the form. Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.

The application form and all information set forth therein and all supplemental information submitted at the commission's request, except statements as to arrests of any person, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the public or discussed at the public meetings of the commission.

The commission shall issue the license applied for only after it is satisfied that the applicant is qualified to operate the activity for which the license is being requested. The commission ((may)) will refrain from issuing the license until the applicant and the designated person responsible for the gambling activity has received a certification of

training as established and provided by the Commission and until the completion of such review and investigation as ((it) the Commission deems necessary. ((into the propriety of granting the license.)); Provided, the certification of training is exempted for the licensing of manufacturers, and their representatives.

#### AMENDATORY SECTION (Amending Order 145, filed 12/18/84)

WAC 230-04-123 LICENSING OF DISTRIBUTOR'S REPRESENTATIVES. Prior to selling or supplying to any person any punchboard, pull tab or device for the dispensing of pull tabs, or any gambling equipment or paraphernalia for use in connection with licensed fund raising events, within the state of Washington or for use within the state of Washington, a representative or agent of the distributor of such devices shall first obtain a license from the commission. A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed as a distributor shall not be required to be additionally licensed as a distributor's representative to engage in the selling or supplying of the distributor's products or services. Office, clerical or warehouse personnel employed by the distributor who have contact with the public and potential customers only occasionally and only by telephone or at the distributor's own premises when working under the immediate and direct supervision of the owner, a partner, or major officer of a corporation licensed as a distributor, shall also be exempt from this licensing requirement. A manager or supervisor who is not a sole owner, partner or a major officer or owner of a substantial interest in a licensed distributor whose duties and responsibilities include the supervision of selling, supplying and/or the promotion of the distributor's products shall be licensed as required by this rule prior to performing such functions in connection with the selling or furnishing of gambling devices, equipment or related items in the state of Washington or for use within the state of Washington. A distributor shall not allow an unlicensed person to represent it in such transactions and shall take all measures necessary to prevent an unlicensed person from doing so.

On or before the first day he or she actually performs work as a distributor's representative, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission.) In addition, the applicant must complete a certification of training as provided by the Commission within 30 days after the first day worked.

The distributor for which a distributor's representative will work shall sign the application of each such distributor's representative acknowledging that the applicant will be representing the distributor with the distributor's knowledge and consent.

No person licensed as a distributor's representative shall represent more than one distributor at a time. A distributor's representative shall not represent a manufacturer: PROVIDED, That this rule shall not bar the distributor's representative from representing his own distributor who is also licensed as a manufacturer.

#### AMENDATORY SECTION (Amending Order 137, filed 10/18/83)

WAC 230-04-140 LICENSING OF PUBLIC CARD ROOM EMPLOYEES. (1) No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if:

(a) The commission has not previously revoked a license or denied an application by that person for such a license; and

(b) He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

(2) On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in

the United States mail properly addressed to the commission): Provided, That the requirements of this section shall not apply to persons employed in a public card room operating under a Class B or Class D license only. In addition, the applicant must complete a certification of training as provided by the Commission within 30 days after the first day worked.

(3) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

(4) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the [original] application [for license] of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### AMENDATORY SECTION (Amending Order 137, filed 10/18/83)

WAC 230-04-145 LICENSING OF MANAGERS OF BINGO GAMES. No person shall act as a bingo game manager on or after February 1, 1982, unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for a license, or the commission has not previously revoked a license issued to that person, he or she has properly applied for such license. If there has been [such] a previous denial of an application and/or revocation of a license, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158 that person shall not act as a bingo game manager unless he or she has been issued a license to do so by the commission. See WAC 230-02-418 for the definition of a "bingo game manager."

On or before the first day he or she actually performs work as a bingo game manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission). In addition, the applicant must complete a certification of training as provided by the Commission within 30 days after the first day worked.

Except as provided in this section, an operator of a bingo game shall not allow any unlicensed person to perform duties for which a license is required in or in connection with a bingo game and shall take all measures necessary to prevent an unlicensed person from doing so.

The president of the bingo licensee (or equivalent officer) operating the bingo game in connection with which the applicant will work shall sign the original application for license of each bingo game manager acknowledging that the applicant will be working for that bingo licensee with the bingo licensee's knowledge and consent.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### NEW SECTION

WAC 230-12-305 LICENSEE REQUIRED TO SUBMIT UPDATED DOCUMENTS OR INFORMATION. When documents or information filed with the Commission upon the original and subsequent license applications become obsolete or inaccurate in any way, the licensee shall submit the new or updated documents and/or information to the commission within 30 days of the transaction date(s) or, if applicable, shall be filed, in the office of the commission by notation on the next quarterly activity report filed, and by attaching all details concerning each transaction.

The following are examples of the type(s) of documents and information requiring updates to the commission in the event of changes:

- (1) Articles of incorporation or by laws, or any other documents which set out the organizational structure and purposes;
- (2) Internal Revenue Service tax exemption status;
- (3) All leases, rental, or consignment agreements, whether oral or written;
- (4) All franchise or other agreements, whether oral or written; and
- (5) All changes of employees working on the authorized gambling activity(ies).

This rule shall not limit or supersede the limits or requirements of other applicable rules of the Commission. Failure to submit updated information and/or documents to the commission shall be grounds for suspension or revocation of all licenses and/or denials of pending applications.

**WSR 87-06-009**  
**ADOPTED RULES**  
**SECRETARY OF STATE**  
 [Order 87-02—Filed February 19, 1987]

I, Ralph Munro, Secretary of State, do promulgate and adopt at the Office of the Secretary of State, the annexed rules relating to the procedures for the selection and notification of registered voters to be appointed to the Washington Citizens' Commission for Salaries of Elected Officials.

This action is taken pursuant to Notice No. WSR 87-02-067 [87-02-068] filed with the code reviser on January 7, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.03.305 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Ralph Munro  
 Secretary of State

**SELECTION AND NOTIFICATION OF PERSONS  
 BY SECRETARY OF STATE FOR CITIZENS'  
 COMMISSION FOR SALARIES OF ELECTED  
 OFFICIALS**

NEW SECTION

WAC 434-09-010 STATEMENT OF PURPOSE. The purpose of this chapter is to provide uniform procedures under RCW 43.03.305(1) for the selection and notification by the secretary of state of persons to be appointed to the Washington Citizens' Commission on Salaries for Elected Officials.

NEW SECTION

WAC 434-09-020 DEFINITIONS. As used in these regulations:

- (1) "Public employee" includes all persons who, at the time of selection, are officers or employees of any governmental body or political subdivision including, but

not limited to the agencies of the federal, state or county government or any other municipal corporation operating under federal or state law or local ordinance.

- (2) "Lobbyist" is a person required to be registered as such by the provisions of Chapter 42.17 RCW.

- (3) "Immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

NEW SECTION

WAC 434-09-030 QUALIFICATION REQUIREMENTS. Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state constitution and RCW 43.03.305: 1) Any person selected under section 7 of this chapter to serve must have been a registered voter and eligible to vote at the previous state general election in the even-numbered year in the congressional district from which that person was selected; 2) Any person selected under section 9 of this chapter to serve must have been a registered voter and eligible to vote at the time of selection; 3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

**Reviser's note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 434-09-040 TRANSMITTING AND COMPILING THE DATA FILE OF RECORDS OF REGISTERED VOTERS. No later than January 1, 1987 and every four years thereafter, each county auditor shall submit to the secretary of state a data file of records of all registered voters eligible to vote at the previous state general election. The file shall contain the registration number, if available, name, address and congressional district for each registered voter. The secretary of state shall compile a separate list of the file for each congressional district.

NEW SECTION

WAC 434-09-050 CONDUCTING THE SELECTION OF NAMES BY LOT. No later than January 15, 1987 and every four years thereafter, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district in substantially the same manner as prescribed in RCW 2.36.063 for jury selection. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section. The secretary of state shall request a separate list of registered voters for each congressional district to be selected by an unrestricted random sample from the lists compiled under section 4 of this chapter.

NEW SECTION

**WAC 434-09-060 NOTIFYING PERSONS SELECTED BY LOT.** (1) No later than January 20, 1987 and every four years thereafter, the secretary of state shall notify by certified mail each person selected by lot under section 5 of this chapter. The notification shall contain a response form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than February 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before February 10 of that year. The notification shall include an appropriate notice of this deadline. 2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in section 6(1) of this chapter.

NEW SECTION

**WAC 434-09-070 DETERMINATION OF COMMISSION APPOINTEES FROM CONGRESSIONAL DISTRICTS.** From the list prepared under section 6(2) of this chapter, the secretary of state shall conduct a separate, noncomputer selection by lot of three persons from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

NEW SECTION

**WAC 434-09-080 NAMES OF SELECTED PERSONS TO GOVERNOR.** No later than February 15, 1987 and every four years thereafter, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under section 7 of this chapter. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under section 7 of this chapter.

NEW SECTION

**WAC 434-09-090 VACANCY ON THE COMMISSION.** Unless voter registration information has been provided to the secretary of state under RCW 29.04.150 within the thirty days prior to the vacancy, each county auditor shall, no later than seven days after a

vacancy in a position on the commission as selected under section 7 of this chapter, submit to the secretary of state a data file of records of registered voters eligible to vote at the time of the vacancy. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in the sections 3-8 of this chapter.

**WSR 87-06-010**  
**EMERGENCY RULES**  
**OIL AND GAS**  
**CONSERVATION COMMITTEE**  
 [Order 8—Filed February 20, 1987]

Be it resolved by the Oil and Gas Conservation Committee, acting at Olympia, Washington, that it does adopt the annexed rules relating to bond to be furnished, WAC 344-12-060, this rule is amended to permit the filing of a bank letter of credit acceptance to the supervisor, in lieu of the bond required by WAC 344-12-060(1).

We, the Oil and Gas Conservation Committee, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is considerable revenue and economic activity will be needlessly lost to the state if the rules are not immediately amended to permit the utilization of bank letters of credit as acceptable security.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 78.52.155 (2)(e) and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 78.52.040 and 78.52.050 which directs that the Oil and Gas Conservation Committee has authority to implement the provisions of chapter 78.52 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 19, 1987.

By Donald M. Ford  
Chairman

**AMENDATORY SECTION** (Amending Order 6, Resolution No. 10, filed 1/8/85)

**WAC 344-12-060 BOND TO BE FURNISHED.**  
 (1) *The supervisor, except as hereinafter provided, shall*

require from the owner before a permit for drilling, re-drilling, or deepening will be issued a good and sufficient bond in the sum of not less than \$50,000.00 for each well payable to the state of Washington, conditioned on compliance with chapter 78.52 RCW, permit conditions, the rules and regulations and orders of the committee. Said bond shall remain in force and effect until the plugging of said well is approved by the supervisor and all laws, permit conditions, rules and regulations and orders have been complied with. It is provided, however, that any owner in lieu of such bond may file with the supervisor a good and sufficient blanket bond in the principal sum of not less than \$250,000.00 covering all wells drilling or to be drilled.

(2) Bond or bonds herein required shall be executed by the owner as principal and by a surety company acceptable to the DNR and authorized to do business in the state of Washington as surety. Should the surety on such bond fail or refuse to require compliance with the conditions of the bond to the satisfaction of the supervisor, such surety shall be liable to the state of Washington in such a sum, within the limits of the sum stated on the face of the bond, as will indemnify the state of Washington for the cost of requiring compliance with the conditions of the bond.

(3) In lieu of the bond required by this section the owner may file with the committee a cash deposit, or an assignment of a savings account or of a certificate of deposit in a Washington bank on an assignment form prescribed by the committee, or a bank letter of credit acceptable to the supervisor. In the event a certificate of deposit is provided in lieu of a bond the owner shall guarantee payment of principal in the event penalties are assessed for early redemption of the certificate.

(4) The amount of the bond to be furnished for permits required under WAC 344-12-050(3) shall be \$20,000.00.

**WSR 87-06-011**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 87-01]

**SUPERSEDING EXECUTIVE ORDER 83-07**  
**GOVERNOR'S COMMITTEE ON DISABILITY**  
**ISSUES AND EMPLOYMENT**

It is the public policy of this state to promote full participation and equal opportunity for all persons, including those disability. (A person of disability means an individual who has physical, mental or sensory characteristics such as those listed under the "handicapped person" definition in regulation of 28 CFR 41.31(b) for implementation of section 504 of the Rehabilitation Act of 1973, as amended, PL 93-112.) Yet, despite continued efforts and marked progress to achieve equity for the disability community, this social minority in Washington numbers approximately 400,000 persons, it has a very low sense of group identity, and the abilities, capacities, interests and concerns of persons of disability continue to be misunderstood or undervalued.

NOW, THEREFORE, I Booth Gardner, Governor of Washington, do hereby reaffirm the establishment of and need for the Governor's Committee on Employment of the Handicapped, retitle it the Governor's Committee on Disability Issues and Employment, hereinafter referred to as the "Committee," reaffirm its administrative attachment to the Employment Security Department and require the following:

1. The Committee pursuant to this Executive Order shall serve as a disability minority advocate. It shall identify for attention the issue and concerns pertaining to the rights and needs of all persons of disability and shall work to empower such individuals to take control over their own lives.
2. The Committee shall advise the Governor, Legislature, state agencies, the business community, organized labor, other public and private organizations, and the public on disability issues and concerns, and make recommendations to address those concerns, with emphasis on increasing opportunities for independence and employment.
3. The Committee shall develop, conduct and oversee the execution of policies, projects, activities and other actions that will enhance access, opportunities, options and equity for all persons of disability.
4. Annually, the Committee shall submit to the Governor a report with recommendations which shall address disability issues such as the following: the status of public and private sector employment opportunities; program and physical access; legislative priorities; selected state agency budgets; economic and social status of the disability community; and an overall state government rehabilitation/disability services overview.
5. In carrying out its duties, the Committee may establish such relationships with state agencies, especially those; that service the disability community, local governments, private industry, educational institutions, labor and other private organizations, as may be needed to promote equal opportunity for persons of disability.
6. Each state department and agency shall provide appropriate and reasonable assistance and resources to the Committee so that the Committee may carry out the purposes of this Order. Also, the Committee may secure directly from any department or agency of the state information necessary to enable it to carry out the purpose of this Order.
7. The chairperson and the members of the Committee shall be appointed by the Governor; and
  - (a) New members appointed after the effective date of this Order shall be primarily persons of disability, and up to 10 percent of the full Committee membership may be family members of persons of disability and/or advocates;
  - (b) The membership shall be selected so as to represent a wide variety of physical, mental

or sensory disability characteristics. Geography, occupation, sex, age, socioeconomic status, other minority membership and diversity of viewpoint will also be considered in making appointments;

- (c) Selected governmental leaders and advocates necessary to enable the Committee to carryout the work of this Order may participate on the Committee as nonvoting associate members. The Governor shall appoint associate members; and
  - (d) The Committee may establish advisory, work and study groups as necessary to carryout the work of this Order.
8. The Department of Employment Security shall continue as the lead agency in providing fiscal and administrative support to the Committee, including:
- (a) Providing direct fiscal and administrative support;
  - (b) Seeking and securing additional support for the Committee from other state agencies; and
  - (c) Coordinating the fiscal and administrative support that all other agencies and sources provide to the Committee.
9. The Committee shall have authority to accept support and assistance, or receive gifts, grants, endowments or bequests as may be made or provided from state agencies or other public/private sources for the use and benefit of the purposes of the Committee and to expend the same, or any income therefrom according to any attached terms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 13th day of February, nineteen hundred and eighty-87 A.D.

Booth Gardner

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
Secretary of State

Reviser's note: The typographical errors in the above material occurred in the executive order filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 87-06-012

ADOPTED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 87-64—Filed February 20, 1987]

I, R. C. Benson, Jr., deputy director of the Office of Financial Management, do promulgate and adopt at 300I, Insurance Building, Olympia, Washington 98504, the annexed rules relating to an update of chapter 82-24 WAC, moving expenses. Four changes have been made. Changing the maximum number of allowable pounds an employee can move at state expense from 10,000 pounds to 12,000 pounds. A change from basing adjustment of losses on depreciated value to replacement value of items claimed. A change in the amount of an estimate for truck or trailer rental costs from \$200 to \$500 before competitive bids are required. A technical change to correct a typographical error in the existing WAC.

This action is taken pursuant to Notice No. WSR 87-02-006 filed with the code reviser on December 29, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.03.110 and 43.03.120 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By R. C. Benson, Jr.  
Deputy Director

AMENDATORY SECTION (Amending Order 42, filed 8/24/79, effective 10/1/79)

WAC 82-24-080 MOVING HOUSEHOLD GOODS BY COMMON CARRIER. (1) Allowable moving costs may be paid for up to ~~((+0,000))~~ 12,000 pounds of household goods including a reasonable allowance for packing, unpacking, insurance and (if authorized) 30 days storage in transit. Storage will be paid at either the origin or destination point of the move, but not at both places.

(2) Allowable moving costs may include insurance or transit protection costs. The maximum amount of state provided insurance is \$50,000 per move while in transit, in storage and delivery to or from the storage place. All adjustments of losses shall be based upon the ~~((depreciated))~~ replacement value of the items claimed. Coverage in excess of \$50,000 may be secured at the employee's expense.

(3) Allowable moving costs may include a charge by the common carrier for appliance disconnect and hookup.

(4) Items excluded from allowable moving costs are:

- (a) Movement of animals and articles of sentimental or high intrinsic value. The employee will personally arrange for and pay the costs of transportation of items such as jewelry, negotiables and collector items.



(b) Excessive hobby material and equipment, automobiles, boats, airplanes, camping vehicles and mobile homes which are not the primary residence of the employee, explosives and other dangerous goods, property liable to impregnate or otherwise damage the mover's equipment or other property, perishable foodstuffs subject to spoilage, building materials, fuel or other similar nonhousehold articles.

(c) Penalties imposed by a carrier as a result of negligence by the employee.

(d) Maid service or other third party convenience or services of a similar nature.

AMENDATORY SECTION (Amending Order 42, filed 8/24/79, effective 10/1/79)

WAC 82-24-090 MOVING HOUSEHOLD GOODS IN RENTAL EQUIPMENT. (1) If the employee estimates that the truck or trailer rental costs for a move will be less than ~~(( $\$200$ ))~~  $\$500$ , competitive bids are not required. The employee may select the rental unit, pay the rental and submit the receipt direct to the agency for reimbursement. It is not necessary for the agency to submit the receipt to the division of purchasing.

(2) If the employee estimates that the truck or trailer rental costs will be ~~(( $\$200$ ))~~  $\$500$  or more, the employee must obtain three competitive bids. Reimbursement to the employee will be at the rate of the lowest bid. Prior to reimbursement, a copy of the receipt and of the bids must be provided to the division of purchasing for approval.

(3) Allowable moving costs may include a mileage allowance for towing a trailer by personal automobile and may be paid at the standard mileage rate.

(4) Transit insurance cannot be provided by the division of purchasing for household goods moved by the employee in a rental truck or trailer. The employee may secure and be reimbursed for transit insurance up to a maximum of \$50,000 coverage on his household goods.

(5) The maximum allowable moving costs may not exceed the cost of moving a maximum of ~~(( $\$10,000$ ))~~  $12,000$  pounds of household goods between the same origin and destination points by common carrier.

(6) Items excluded from allowable moving costs are:

(a) Movement of animals and articles of sentimental or high intrinsic value. The employee will personally arrange for and pay the costs of transportation of items such as jewelry, negotiables and collector items.

(b) Excessive hobby material and equipment, automobiles, boats, airplanes, camping vehicles and mobile homes which are not the primary residence of the employee, explosives and other dangerous goods, property liable to impregnate or otherwise damage the mover's equipment or other property, perishable foodstuffs subject to spoilage, building materials, fuel or other similar nonhousehold articles.

(c) Penalties imposed by the rental agency as a result of negligence by the employee.

(d) Maid service or other third party convenience or services of a similar nature.

AMENDATORY SECTION (Amending Order 42, filed 8/24/79, effective 10/1/79)

WAC 82-24-110 MOBILE HOME MOVES. (1) Allowable moving expenses may be paid for a mobile home which is the primary residence of the employee, provided the move is not within the same metropolitan area.

(2) Allowable moving costs may include the cost of having the mobile home moved by a professional mover. Allowable moving costs may include a combination of costs resulting from moving household goods by a common or other carrier and moving the mobile home by a professional mover.

(3) Allowable moving costs may include packing of contents of the mobile home and normal preparation of the mobile home for over-the-road movement.

(4) Transit insurance cannot be provided by the division of purchasing for mobile home moves. The employee may secure and be reimbursed for transit insurance up to a maximum of \$50,000 coverage.

(5) The maximum allowable moving costs may not exceed the cost of moving a maximum of ~~(( $\$10,000$ ))~~  $12,000$  pounds of household goods between the same origin and destination points by common carrier.

(6) Items excluded from allowable moving costs are:

(a) Wrecker services necessary to place the unit in position for over-the-road movement; tire failure; temporary carriage or the installation of a removable undercarriage; movement or replacement of outside fuel tanks; and any costs incurred to bring the mobile home up to safety requirements for over-the-road movement.

(b) Penalties imposed by the mover as a result of negligence by the employee.

AMENDATORY SECTION (Amending Order 52, filed 4/28/81, effective 6/1/81)

WAC 82-24-130 PAYMENT OF MOVING EXPENSES. (1) The employee will be responsible for payment of moving expenses in excess of the allowable costs set forth in this chapter.

(2) The state traffic manager, division of purchasing, will advise state agencies of the proportionate share of the costs to be borne by the state and by the employee, when the total charges exceed the allowable costs. Charges are prorated on the basis of a ratio of the maximum weight allowed in WAC 82-24-080 to the total weight and will include all costs essential to the physical move of goods as a single unit.

(3) Prior to payment of the carrier invoice the employee and the agency are to review the invoice and indicate agreement or disagreement with the specified charges. In the event that either the employee or the agency feel that the charges are in error a written notice of the dispute is to be filed with the state traffic manager for resolution. The state traffic manager is to notify the carrier upon receipt of a notice of dispute.

(4) Agencies are to pay the entire amount of the uncontested carrier invoice and separately recover the employee's proportionate share of the cost of the move. ~~((The premium for the state household goods blanket~~

~~insurance policy will be billed monthly by the department of general administration to agencies for employee moves covered by the policy during the month.))~~

(5) New or transferred employees, when requesting moving services, are to execute a payroll deduction, prior to the state traffic manager, division of purchasing, securing moving services, authorizing the employing agency to withhold the total amount of the employee's share of the cost of the move commencing the first pay date after payment of the uncontested carrier's invoice by the agency. The deduction from the employee's pay is to be made after withholding of mandatory deductions but prior to withholding any voluntary deductions. Mandatory deductions are defined for purposes of this chapter as:

- Federal income tax
- Employee's share of OASI contributions
- Medical aid contributions
- Mandatory retirement contributions
- Court ordered payments served on the agency

This payroll deduction authorization is to remain in force until the total amount of the employee's share of the cost of the move has been recovered.

(6) New or transferred employees who do not execute a payroll deduction authorization prior to the authorization of the move will be responsible for arranging their own move and making full payment directly to the carrier. The state will reimburse the employee under this circumstance for either the amount the state would have paid if the move had been arranged through the state traffic manager, division of purchasing, or the actual cost incurred by the employee, whichever is less.

(7) ~~((The premium for the state household goods blanket insurance policy will be billed monthly by the department of general administration to agencies for employee moves covered by the policy during the month.))~~ The premium for the state household goods blanket insurance policy will be billed monthly by the department of general administration to agencies for employee moves covered by the policy during the month.

**WSR 87-06-013**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed February 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning new sections WAC 230-02-240 and 230-02-245;

that the agency will at 10:00 a.m., Friday, April 10, 1987, in the Whitman Motor Inn, Walla Walla, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 9.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 10, 1987.

Dated: February 20, 1987  
 By: Frank L. Miller  
 Deputy Director

**STATEMENT OF PURPOSE**

Title: WAC 230-02-240 Charitable purposes defined; and 230-02-245 Bona fide charitable organization—Defined.

Description of Purpose: To define "charitable purposes" and "bona fide charitable organization" as used in chapter 9.46 RCW.

Statutory Authority: RCW 9.46.070 (10), (14) and (16).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-02-240 defines charitable purposes as providing of food, clothing, shelter and medical care for those in need. Such a definition is necessary to carry out powers and duties set forth in RCW 9.46.070 (10) [and] (16); and 230-02-245 defines bona fide charitable organization as an organization whose purposes are charitable.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Ronald O. Bailey, Director; and Frank L. Miller, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-1075 scan, 753-1075 comm.

Proponents and Opponents: Gambling Commission staff proposes this rule amendment and new rule.

Agency Comments: The agency believes the proposed amendment and new rule are self-explanatory and need no further comment.

This amendment and new rule were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment or new rule.

NEW SECTION

WAC 230-02-240 CHARITABLE PURPOSES DEFINED. Charitable purposes means having a primary objective of providing food, clothing, shelter, or health care assistance to individuals that, on account of economic or other need, poverty, indigence, or emergency, have a long-term or short-term need for such necessities.

NEW SECTION

WAC 230-02-245 BONA FIDE CHARITABLE ORGANIZATION - DEFINED. Bona fide charitable organizations means a qualified non-profit organization established for charitable purposes.

**WSR 87-06-014**  
**ADOPTED RULES**  
**SPOKANE COMMUNITY COLLEGES**  
 [Resolution No. 26—Filed February 20, 1987]

Be it resolved by the board of trustees of Washington Community College District 17, acting at Spokane,

Washington, that it does adopt the annexed rules relating to reduction in force for classified personnel.

This action is taken pursuant to Notice No. WSR 87-01-043 filed with the code reviser on December 15, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50-.140 and is intended to administratively implement that statute.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Girard Clark  
Chairperson, Board of Trustees

### REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

1. WAC 132Q-08-010 Purpose of rules.
2. WAC 132Q-08-020 Definitions.
3. WAC 132Q-08-030 Initial procedures for reduction in force.
4. WAC 132Q-08-040 Initial order of layoff.
5. WAC 132Q-08-050 Options in lieu of layoff.
6. WAC 132Q-08-060 Procedures for establishing order of layoff and notice requirements.
7. WAC 132Q-08-070 Distribution of layoff notice.
8. WAC 132Q-08-080 Reemployment rights of laid off employees.

### **WSR 87-06-015**

#### **NOTICE OF PUBLIC MEETINGS TRANSPORTATION COMMISSION**

[Memorandum—February 20, 1987]

The regular meetings of the Washington State Transportation Commission will be held on the third Thursday of each month in Room 1D2, Transportation Building, Olympia, Washington, at 9:30 a.m.

### **WSR 87-06-016**

#### **ATTORNEY GENERAL OPINION Cite as: AGO 1986 No. 14 (Addendum)**

[February 20, 1987]

OFFICES AND OFFICERS—STATE—BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS—EMPLOYEES ASSIGNED TO SUPPORT BOARD FUNCTIONS—SUPERVISION OF EMPLOYEES

(1) The Board of Registration for Professional Engineers and Land Surveyors, not the Director of the Department of Licensing, has the authority to manage, direct, supervise, and discipline those employees assigned to support the Board's function.

(2) The Director of the Department of Licensing does not have the authority to assign duties to these employees other than duties relating to the Board's functions.

Requested by:

Honorable Theresa Anna Aragon  
Director, Department of Licensing  
Highways-Licenses Building  
Olympia, Washington 98504

### **WSR 87-06-017**

#### **NOTICE OF PUBLIC MEETINGS STATE BOARD OF EDUCATION**

[Memorandum—February 23, 1987]

The State Board of Education's schedule of meeting dates and locations for the 1987 calendar year, filed with the state code reviser on September 5, 1986 (WSR 86-19-004), is amended as follows:

The location of the May 28-29, 1987, meeting has been changed from the Cedar Room at the Red Lion/Thunderbird, in Kelso to the Kelso High School Auditorium, Kelso High School, 1904 Allen Street, Kelso, WA 98626. The meeting will convene at 9:00 a.m.

Also, the dates of the July meeting have been changed from July 15-18 to July 22-25, and the location has been moved by [from] the Juan de Fuca Room at Haguewood's Restaurant, at the Red Lion Bayshore Inn in Port Angeles to the Admiral Ballroom of the Silverdale Hotel and Resort, 3073 Bucklin Hill Road, Silverdale, WA 98383. The meeting will convene at 9:00 a.m.

### **WSR 87-06-018**

#### **NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE**

[Memorandum—February 20, 1987]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular meeting at the following time and place:

March 10, 1987	3:00 p.m.	Northwest 2 5217 Northwest Road Bellingham, WA 98226
	5:30 p.m.*	Fairhaven Restaurant 1114 Harris Avenue Bellingham, WA 98225

\*Study session: Role of the trustee

**WSR 87-06-019**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed February 24, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-05-480 Workday.  
 Amd WAC 356-05-500 Workweek;

that the agency will at 10:00 a.m., Thursday, March 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-03-009 filed with the code reviser's office on January 12, 1987.

Dated: February 23, 1987

By: Leonard Nord  
 Secretary

**WSR 87-06-020**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed February 24, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Allocation—Request for review, amending WAC 356-10-060;

that the agency will at 10:00 a.m., Thursday, April 9, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-01-063 filed with the code reviser's office on December 17, 1986.

Dated: February 23, 1987

By: Leonard Nord  
 Secretary

**WSR 87-06-021**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed February 24, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-18-100 Accrued vacation leave disposition—  
 Computation—How made.  
 Amd WAC 356-30-130 Seasonal career employment;

that the agency will at 10:00 a.m., Thursday, March 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-02-045 filed with the code reviser's office on January 6, 1987.

Dated: February 23, 1987

By: Leonard Nord  
 Secretary

**WSR 87-06-022**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed February 24, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-30-065 Temporary appointments—Classified  
 service.  
 Amd WAC 356-30-070 Appointments—Acting.  
 Rep WAC 356-30-090 Temporary employment—Permanent  
 employees—Status.  
 Amd WAC 356-30-145 Project employment;

that the agency will at 10:00 a.m., Thursday, April 9, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-03-010 filed with the code reviser's office on January 12, 1987.

Dated: February 19, 1987

By: Leonard Nord  
Secretary

**WSR 87-06-023**  
**EMERGENCY RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Order 272—Filed February 24, 1987]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, that it does adopt the annexed rules relating to:

New	WAC 356-26-140	Background inquiries—Department of Social and Health Services.
Amd	WAC 356-30-330	Reduction in force—Reasons, regulations—Procedure.
Amd	WAC 356-34-090	Protests—Requirements for applicants, examinees, and eligibles.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules were effective on an emergency basis on December 12, 1986, to satisfy 1986 legislation. Another emergency adoption is necessary to keep the rule effective until the permanent adoption is effective.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of RCW 43.20A.710 and 41.06.475.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 12, 1987.

By Leonard Nord  
Secretary

NEW SECTION

**WAC 356-26-140 BACKGROUND INQUIRIES - DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Within the department of social and health services, a background inquiry shall be completed prior to an applicant's appointment to a position which is directly responsible for the supervision, care, or treatment of children or developmentally disabled persons, except as provided in subsection (4) of this section. For purposes of this section, applicants shall also include employees who are notified they are scheduled for reduction in force who wish to consider options to positions covered by this section. The inquiry shall include an examination of the applicant's conviction records and pending criminal charges. Inquiry findings shall be used solely for the purpose of determining the character, suitability, and competence of the applicant and may result in denial of employment only for positions covered by this section.

(2) The department of social and health services shall ensure that all applicants being considered for positions covered by this section are aware of the background inquiry requirement.

(3) Positions covered by this section are all positions which have either a direct or supervisory accountability for the supervision, care, or treatment of residents or clients who are either children or developmentally disabled. Positions assigned duties that provide access to residents or clients who are either children or developmentally disabled, but which are not directly accountable for their supervision, care, or treatment are not covered by this section.

(4) A background inquiry shall be completed on the applicant prior to any permanent or nonpermanent appointment into a position covered by this section, except as waived by the secretary of the department of social and health services or designee. The inquiry shall be conducted only with the applicant's written authorization. Failure to provide written authorization shall disqualify the applicant for both appointment and referral to positions covered by this section. Employees who at the time of consideration for appointment have current probationary, trial service or permanent status in positions covered by this section are exempt from the background inquiry requirement.

(5) A background inquiry shall be completed on applicants prior to an intermittent appointment to a position covered by this section. Individuals on intermittent appointments in positions covered by this section may not exceed twelve continuous months in such an appointment unless they are cleared following a subsequent background inquiry.

(6) Inquiry findings to be considered in determining the applicant's character, suitability and competence to perform in the position shall be limited to:

(a) Conviction of a felony directly related to the position sought if the date of conviction is less than ten years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(b) Conviction of a felony directly related to the position sought, if the date of conviction is more than ten years ago but the date of prison release is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(c) Pending felony charges directly related to the position.

For purposes of applying subsection (6)(a) through (c) of this section, the following offenses shall be considered directly related to all positions covered by this section: all crimes involving physical harm or threat of physical harm to persons; all sex related offenses; all public indecency/prostitution offenses; and all offenses identified as being against children or developmentally disabled persons.

(d) Any combination of two or more felony convictions for drug related or malicious harassment offenses if the date of conviction is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(e) Conviction of or pending charges for a gross misdemeanor or misdemeanor involving either a minor or prostitution for which the date of conviction or jail release, whichever is more recent, is less than seven years ago.

(7) If the inquiry reveals information listed under subsection (6) of this section, no appointment decision shall be made prior to providing the applicant with an opportunity to present evidence to the appointing authority that the inquiry findings should have no bearing on the applicant's character, suitability and competence to perform in the position. In reviewing the inquiry findings, the appointing authority shall take into consideration the recentness and seriousness of the crime, the number of previous offenses, the likelihood of rehabilitation, as well as the vulnerability of the clients to be cared for in determining the applicant's character, suitability, and competence to perform in the position.

(8) An applicant who has been notified of inquiry findings may appeal, pursuant to WAC 356-34-090, the appointing authority's decision not to appoint him or her only after having requested and completed the review provided in subsection (7) of this section.

(9) Background inquiry information is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant. Misuse of background inquiry information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

#### AMENDATORY SECTION (Amending Order 232, filed 9/18/85)

**WAC 356-30-330 REDUCTION IN FORCE—REASONS, REGULATIONS—PROCEDURE.** (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of

funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency, and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

- (i) The same layoff unit; and
- (ii) Classification in which the "bumping" employee previously held permanent status; and
- (iii) Position at the current salary range of the employee doing the bumping, or lower; and
- (iv) Employee with the least seniority within the same category of full-time or part-time employment; and
- (v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

- (i) The agency intends to fill;

(ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall submit the procedure to the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified

employees who have been or are scheduled for separation due to reduction in force.

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(7) Options to positions which are covered by WAC 356-26-140 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force:

(a) Are exempt from a background inquiry by WAC 356-26-140(4); or

(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry.

**AMENDATORY SECTION** (Amending Order 244, filed 3/26/86, effective 5/1/86)

**WAC 356-34-090 PROTESTS—REQUIREMENTS FOR APPLICANTS, EXAMINEES, AND ELIGIBLES.** (1) An applicant whose application has

*been rejected; an examinee who feels the score or examination is unfair, in error, not applied or arrived at uniformly, ((σ)) an eligible whose name has been removed from the register, or an applicant who is not appointed following a background inquiry and review conducted pursuant to WAC 356-26-140 may request a review by the director of personnel or designee. The request must be in writing and filed at the director of personnel's office within fifteen calendar days following notification of the application rejection, examination score, ((σ)) removal from the register, or the appointing authority's decision.*

*(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.*

*(3) An adversely affected party may request a hearing of the personnel board to review the determination of the director of personnel or designee. The request for a personnel board hearing must be in writing and filed at the director of personnel's office within fifteen calendar days following notification of the director's or designee's determination. A hearing before the personnel board shall be scheduled and each party shall be afforded not less than ten calendar days' notice. The personnel board will issue a written decision which will be final.*

#### WSR 87-06-024

##### ADOPTED RULES

#### DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 271—Filed February 24, 1987]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, that it does adopt the annexed rules relating to:

New	WAC 356-26-140	Background inquiries—Department of Social and Health Services.
Amd	WAC 356-30-330	Reduction in force—Reasons, regulations—Procedure.
Amd	WAC 356-34-090	Protests—Requirements for applicants, examinees, and eligibles.

This action is taken pursuant to Notice No. WSR 87-02-029 filed with the code reviser on December 31, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of RCW 43.20A.710 and 41.06.475.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 12, 1987.

By Leonard Nord  
Secretary

#### NEW SECTION

WAC 356-26-140 BACKGROUND INQUIRIES – DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Within the department of social and health services, a background inquiry shall be completed prior to an applicant's appointment to a position which is directly responsible for the supervision, care, or treatment of children or developmentally disabled persons, except as provided in subsection (4) of this section. For purposes of this section, applicants shall also include employees who are notified they are scheduled for reduction in force who wish to consider options to positions covered by this section. The inquiry shall include an examination of the applicant's conviction records and pending criminal charges. Inquiry findings shall be used solely for the purpose of determining the character, suitability, and competence of the applicant and may result in denial of employment only for positions covered by this section.

(2) The department of social and health services shall ensure that all applicants being considered for positions covered by this section are aware of the background inquiry requirement.

(3) Positions covered by this section are all positions which have either a direct or supervisory accountability for the supervision, care, or treatment of residents or clients who are either children or developmentally disabled. Positions assigned duties that provide access to residents or clients who are either children or developmentally disabled, but which are not directly accountable for their supervision, care, or treatment are not covered by this section.

(4) A background inquiry shall be completed on the applicant prior to any permanent or nonpermanent appointment into a position covered by this section, except as waived by the secretary of the department of social and health services or designee. The inquiry shall be conducted only with the applicant's written authorization. Failure to provide written authorization shall disqualify the applicant for both appointment and referral to positions covered by this section. Employees who at the time of consideration for appointment have current probationary, trial service or permanent status in positions covered by this section are exempt from the background inquiry requirement.

(5) A background inquiry shall be completed on applicants prior to an intermittent appointment to a position covered by this section. Individuals on intermittent appointments in positions covered by this section may not exceed twelve continuous months in such an appointment unless they are cleared following a subsequent background inquiry.



(6) Inquiry findings to be considered in determining the applicant's character, suitability and competence to perform in the position shall be limited to:

(a) Conviction of a felony directly related to the position sought if the date of conviction is less than ten years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(b) Conviction of a felony directly related to the position sought, if the date of conviction is more than ten years ago but the date of prison release is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(c) Pending felony charges directly related to the position.

For purposes of applying subsection (6)(a) through (c) of this section, the following offenses shall be considered directly related to all positions covered by this section: all crimes involving physical harm or threat of physical harm to persons; all sex related offenses; all public indecency/prostitution offenses; and all offenses identified as being against children or developmentally disabled persons.

(d) Any combination of two or more felony convictions for drug related or malicious harassment offenses if the date of conviction is less than seven years ago. Such conviction will not be considered if it has been the subject of a pardon, annulment or other equivalent procedure based on a finding of innocence.

(e) Conviction of or pending charges for a gross misdemeanor or misdemeanor involving either a minor or prostitution for which the date of conviction or jail release, whichever is more recent, is less than seven years ago.

(7) If the inquiry reveals information listed under subsection (6) of this section, no appointment decision shall be made prior to providing the applicant with an opportunity to present evidence to the appointing authority that the inquiry findings should have no bearing on the applicant's character, suitability and competence to perform in the position. In reviewing the inquiry findings, the appointing authority shall take into consideration the recentness and seriousness of the crime, the number of previous offenses, the likelihood of rehabilitation, as well as the vulnerability of the clients to be cared for in determining the applicant's character, suitability, and competence to perform in the position.

(8) An applicant who has been notified of inquiry findings may appeal, pursuant to WAC 356-34-090, the appointing authority's decision not to appoint him or her only after having requested and completed the review provided in subsection (7) of this section.

(9) Background inquiry information is confidential and shall be used solely for the purpose of determining the character, suitability and competence of the applicant. Misuse of background inquiry information is a criminal offense and may result in prosecution and/or disciplinary action as provided under WAC 356-34-010.

#### AMENDATORY SECTION (Amending Order 232, filed 9/18/85)

WAC 356-30-330 REDUCTION IN FORCE—REASONS, REGULATIONS—PROCEDURE. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

(a) For purposes of reduction in force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; and if the tie still exists, by lot.

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit. Employment projects, established under the provisions of WAC 356-30-145, Project employment, are distinct layoff units, separate and exclusive of any other defined layoff unit or employment project. Seasonal career layoff units, established under the provisions of WAC 356-30-130, Seasonal career employment, are distinct layoff units, separate and exclusive of any other defined layoff unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

(i) The same layoff unit; and

(ii) Classification in which the "bumping" employee previously held permanent status; and

(iii) Position at the current salary range of the employee doing the bumping, or lower; and

(iv) Employee with the least seniority within the same category of full-time or part-time employment; and

(v) Competition at one progressively lower classification at a time.

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

(i) The agency intends to fill;

(ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

(h) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(k) Permanent employees who have been scheduled for reduction in force shall have the right to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the director of personnel. This right is to be exercised according to the seniority of those desiring the same vacancy.

(l) Options of other than permanent positions as named in (m) of this subsection are to be made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range

within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

(n) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall submit the procedure to the director of personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, intermittent, or seasonal basis without contacting the department of personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction in force.

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the director of personnel.

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) of this subsection, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

(7) Options to positions which are covered by WAC 356-26-140 may be exercised only by employees who, at the time they are notified they are scheduled for reduction in force:

(a) Are exempt from a background inquiry by WAC 356-26-140(4); or

(b) Authorize a background inquiry as provided for in WAC 356-26-140 and are cleared for the option as a result of the inquiry.

**AMENDATORY SECTION** (Amending Order 244, filed 3/26/86, effective 5/1/86)

**WAC 356-34-090 PROTESTS—REQUIREMENTS FOR APPLICANTS, EXAMINEES, AND ELIGIBLES.** (1) An applicant whose application has been rejected; an examinee who feels the score or examination is unfair, in error, not applied or arrived at uniformly; ~~((or))~~ an eligible whose name has been removed from the register; or an applicant who is not appointed following a background inquiry and review conducted pursuant to WAC 356-26-140 may request a review by the director of personnel or designee. The request must be in writing and filed at the director of personnel's office within fifteen calendar days following notification of the application rejection, examination score, ~~((or))~~ removal from the register, or the appointing authority's decision.

(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.

(3) An adversely affected party may request a hearing of the personnel board to review the determination of the director of personnel or designee. The request for a personnel board hearing must be in writing and filed at the director of personnel's office within fifteen calendar days following notification of the director's or designee's determination. A hearing before the personnel board shall be scheduled and each party shall be afforded not less than ten calendar days' notice. The personnel board will issue a written decision which will be final.

**WSR 87-06-025**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed February 26, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Okanogan County, amending WAC 173-19-320;

that the agency will at 7:00 p.m., Tuesday, April 7, 1987, in the Auditorium, Okanogan County PUD Building, Okanogan, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 7, 1987.

The authority under which these rules are proposed is RCW 90.58.120 and [90.58].200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 14, 1987.

Dated: February 24, 1987

By: Phillip C. Johnson  
 Deputy Director, Programs

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-320 Okanogan County.

Description of Purpose: Adoption of a revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master program for Okanogan County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randy Davis, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6762.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-320 OKANOGAN COUNTY. Okanogan County master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved May 7, 1987.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 87-06-026**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Institutions)

[Order 2474—Filed February 27, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Provider fiscal administration—Written schedule of fees (mental health), amending WAC 275-56-135.

This action is taken pursuant to Notice No. WSR 87-01-095 filed with the code reviser on December 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 71.24.035 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 71.24.215.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 24, 1987.

By Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-135 PROVIDER FISCAL ADMINISTRATION—WRITTEN SCHEDULE OF FEES. The provider shall establish and use a sliding fee schedule based on the resources available to the client to pay for mental health services and the provider's actual cost of care.

(1) Use of the fee schedule shall be approved by the department as part of the licensing process. Effective April 1, 1987, approval will only be given to sliding scale fee schedules which do not require payment from individuals with an income level equal to or below the grant standards for the general assistance program (WAC 388-29-100).

(2) The fee schedule shall be accessible to the provider's staff and clients.

**WSR 87-06-027**  
ADOPTED RULES  
DEPARTMENT OF GAME  
(Game Commission)

[Order 286—Filed February 27, 1987]

Be it resolved by the State Game Commission, acting at the Town Plaza Motor Inn, North 7th Street and F. [East] Yakima Avenue, Yakima, Washington 98901, that it does adopt the annexed rules relating to:

New WAC 232-28-709 1987 Spring bear and turkey seasons.  
Rep WAC 232-28-708 1986 Spring bear and turkey seasons.

This action is taken pursuant to Notice No. WSR 86-24-061 filed with the code reviser on December 2, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Archie U. Mills  
Chairman, Game Commission

NEW SECTION

WAC 232-28-709 1987 SPRING BEAR AND TURKEY SEASONS.

**Reviser's note:** The text and accompanying pamphlet comprising the 1987 Spring bear and turkey seasons adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-708 1986 SPRING BEAR AND TURKEY SEASONS

**WSR 87-06-028**  
EMERGENCY RULES  
DEPARTMENT OF GAME  
(Game Commission)  
[Order 317—Filed February 27, 1987]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to regulation change for sport fishing on the Snohomish and Snoqualmie rivers and Tokul Creek, WAC 232-28-61602.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable number of wild steelhead for the Snohomish River system will have been caught by February 28. Any further harvest must be limited to hatchery fish in order to provide adequate spawning escapement of wild steelhead.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 27, 1987.

By Jack S. Wayland  
Director

#### NEW SECTION

*WAC 232-28-61602 REGULATION CHANGE FOR SPORT FISHING ON THE SNOHOMISH AND SNOQUALMIE RIVERS AND TOKUL CREEK. Notwithstanding the provisions of WAC 232-28-616 on the Snohomish River, Snoqualmie River and Tokul Creek, only steelhead with missing adipose or ventral fins may be possessed between the dates of March 1 and March 31, 1987, inclusive. There must be a healed scar in the location of the missing fin. All other provisions of WAC 232-28-616 relating to the Snohomish River, Snoqualmie River and Tokul Creek remain in effect.*

**WSR 87-06-029**  
EMERGENCY RULES  
DEPARTMENT OF GAME  
(Game Commission)

[Order 318—Filed February 27, 1987]

Be it resolved by the Washington State Game Commission, acting at Olympia, by conference call, that it does adopt the annexed rules relating to regulation change for 1987 Spring bear and turkey seasons and rules, WAC 232-28-70901.

We, the Washington State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Game Commission adopted regulations (WAC 232-28-709) to close a small area of Klickitat County to turkey hunting during the 1987 hunting season. The purpose of this closure was to allow the department to transplant Rio Grande turkeys from Texas into the closed area this spring. Trapping operations in Texas have subsequently not captured enough birds to properly plant this area. The need for a closure of this area is therefore negated.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 26, 1987.

By Jack S. Wayland  
for Dr. James M. Walton  
Chairman, Game Commission

#### NEW SECTION

*WAC 232-28-70901 REGULATION CHANGE FOR 1987 SPRING BEAR AND TURKEY SEASONS AND RULES. Notwithstanding the provisions of WAC 232-28-709, effective April 15, 1987 to May 6, 1987, both dates inclusive, the season for hunting wild turkey shall be open in the following described area: Beginning at junction of Goldendale-Bickleton Rd. and State Highway 97; thence easterly and northeasterly along the Goldendale-Bickleton and Bickleton-Mabton Rds. to the county line; thence west along the county line and the Yakima Indian Reservation boundary to State Highway 97; thence southwesterly along Highway 97 to the point of beginning.*

**WSR 87-06-030**  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed February 27, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to gas utility least cost planning, WAC 480-90-191 (Cause No. U-86-142).

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 18, 1987.

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.28.010.

This notice is connected to and continues the matter in Notice No. WSR 87-01-109 filed with the code reviser's office on December 24, 1986.

Dated: February 25, 1987  
By: Paul Curl  
Acting Secretary

**WSR 87-06-031**  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed February 27, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities

and Transportation Commission intends to adopt, amend, or repeal rules relating to electric utility least cost planning, WAC 480-100-251. The proposed section is shown below as Appendix A, Cause No. U-86-141. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed section on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, April 8, 1987, in the Commission's Hearing Room, Second Floor, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.28.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 3, 1987.

Dated: February 25, 1987

By: Paul Curl  
Acting Secretary

#### STATEMENT OF PURPOSE

In the matter of adopting WAC 480-100-251 relating to electric utility least cost planning.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.160, which direct that the commission has authority to implement the provisions of chapter 80.28 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to require electric utilities regulated by the commission to develop and present "least cost plans" for the purpose of obtaining additional sources of energy supply or reduction in energy demand for the least total cost to utilities and to ratepayers, specifying the general nature of the planning process, and the general format of the plans.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, phone (206) 753-6451, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.160.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

#### NEW SECTION

WAC 480-100-251 LEAST COST PLANNING. (1) Purpose and Process. Each electric utility regulated by the commission has the responsibility to meet its load with a least cost mix of generating resources and improvements in the efficient use of electricity. Therefore, a "least cost plan" shall be developed by each electric utility in consultation with commission staff. Provision for involvement in the preparation of the plan by the public shall be required. Each planning cycle will begin with a letter to the company from the commission secretary. The content and timing of, and reporting for the least cost plan and the public involvement strategy shall be outlined in a work plan developed by the company after consulting with commission staff.

(2) Definitions. "Least cost plan" or "plan" means a plan describing the mix of generating resources and improvements in the efficient use of electricity that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(3) Each electric utility shall submit to the commission on a biennial basis a least cost plan that shall include:

(a) A range of forecasts of future demand using methods that examine the impact of economic forces on the consumption of electricity and that address changes in the number, type, and efficiency of electrical end-uses.

(b) An assessment of technically feasible improvements in the efficient use of electricity, including load management, as well as currently employed and new policies and programs needed to obtain the efficiency improvements.

(c) An assessment of technically feasible generating technologies including renewable resources, cogeneration, power purchases from other utilities, and thermal resources (including the use of combustion turbines to utilize better the existing hydro system).

(d) A comparative evaluation of generating resources and improvements in the efficient use of electricity based on a consistent method, developed in consultation with commission staff, for calculating cost-effectiveness.

(e) The integration of the demand forecasts and resource evaluations into a long-range (20 year) least cost plan describing the mix of resources that will meet current and future needs at the lowest cost to the utility and its ratepayers.

(f) A short-term (2-year) plan outlining the specific actions to be taken by the utility in implementing the long-range least cost plan.

(4) All plans subsequent to the initial least-cost plan shall include a progress report that relates the new plan to the previously filed plan.

(5) The least cost plan, considered with other available information, will be used to evaluate the performance of the utility in rate proceedings, including the review of avoided cost determinations, before the commission.

WSR 87-06-032

ADOPTED RULES

DEPARTMENT OF PERSONNEL  
(Personnel Board)

[Order 270—Filed February 27, 1987—Eff. April 1, 1987]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, that it does adopt the annexed rules relating to:

Amd WAC 356-06-001 Declaration of purpose.  
Amd WAC 356-46-020 Discrimination—Prohibitions.

This action is taken pursuant to Notice No. WSR 87-02-045 filed with the code reviser on January 6, 1987. These rules shall take effect at a later date, such date being April 1, 1987.

This rule is promulgated pursuant to RCW 41.06.150 which directs that the State Personnel Board has authority to implement the provisions of ESSB 3346.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 12, 1987.

By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-06-001 **DECLARATION OF PURPOSE.** The general purpose of these rules is to establish for the state a system of personnel administration based on merit principles, including affirmative action, and scientific methods of governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and the retention therein, in the state service shall be made on the basis of policies hereinafter specified.

AMENDATORY SECTION (Amending Order 123, filed 9/26/78)

WAC 356-46-020 **DISCRIMINATION—PROHIBITIONS.** No discrimination shall be exercised, threatened, or promised by any person in the employ of ~~((the))~~ an agency ~~((or the state personnel board))~~ against ~~((or in favor of))~~ any applicant, eligible, or employee because of political or religious opinions or affiliations, or race, sex, age, ~~((handicap))~~ disability, or veteran's status.

State agencies are subject to the Washington state law against discrimination, chapter 49.60 RCW. Persons who believe they have been discriminated against because of these reasons may file a complaint with the Washington state human rights commission as provided in RCW 49.60.230.

**WSR 87-06-033**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed February 27, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Verification, amending WAC 388-54-630;

that the agency will at 10:00 a.m., Tuesday, April 7, 1987, in the Auditorium, OB2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 8, 1987.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1987.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director  
Administrative Services  
Department of Social and Health Services  
Mailstop OB 39  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by March 24, 1987. The meeting site is in a location which is barrier free.

Dated: February 27, 1987  
By: Leslie F. James, Director  
Administrative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.  
Re: WAC 388-54-630.

Purpose of the Rule Change: Policies for mandatory verification are changed for Social Security number, disability and separate household status.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Applicant's disability must be verified; persons who claim separate household status must provide proof; and the statement is removed that unverified Social Security numbers must be completed prior to the next recertification.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Roy Uppendahl, Division of Income Assistance, mailstop OB-31J, phone 753-4918, scan 234-4918.

These rules are necessary as a result of federal law, 7 CFR Section 273.2.

AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

WAC 388-54-630 **APPLICATION AND PARTICIPATION—VERIFICATION.** (1) Sources of verification shall be:

(a) Documentary evidence. Documentary evidence consists of a written confirmation of a household's circumstances and shall be the primary source of verification. Whenever documentary evidence cannot be obtained, the department shall use alternate sources of verifications, such as collateral contacts or home visits.

(b) Collateral contacts. A collateral contact is a verbal contact confirmation of a household's circumstances by a person outside the household. A collateral contact is the secondary source of verification (except for household size and citizenship).

(c) Home visits. Home visits shall be scheduled in advance with the household. ~~((See WAC 388-54-620(4).))~~

(2) The household ~~((has))~~ shall have primary responsibility for providing documentary evidence. ~~((If it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner.))~~ The department shall offer assistance in obtaining this evidence if it would be difficult or impossible for the household to obtain the documentary evidence in a timely manner. Designation of a collateral contact ~~((is))~~ shall be the responsibility of the household~~((;))~~, however, the CSO may designate a collateral contact if collateral contact designated by the client is not acceptable.

(3) Mandatory verifications shall include:

(a) Identity of the person making the application. ~~((When an authorized representative applies for a household;))~~ The identity of the authorized representative and the head of household shall be verified when an authorized representative applies for a household.

(b) Residency~~((;))~~, except in unusual cases where verification of residency cannot reasonably be accomplished.

(c) ~~((Social Security number (SSN) reported for each household member. If verification of an issued SSN is not completed at initial certification it shall be completed at the time of or prior to the next recertification:))~~

~~((d))~~ Resources.

~~((e))~~ (d) Loans.

~~((f))~~ (e) Gross nonexempt income. Gross nonexempt income shall be verified for all households prior to certification (except expedited service households).

~~((g))~~ (f) Continuing shelter expenses. Continuing shelter expenses, other than utilities, shall be verified if allowing the expense could potentially result in a deduction. Verification ((with)) shall be on a one-time basis unless: (i) The household has moved((;)); (ii) the household reported an increase in cost which would affect the level of the deduction((;)); or ((unless)) (iii) the household reported questionable information.

~~((h))~~ (g) Utility expenses.

(i) If the household is entitled to the utility standard, heating and/or cooling costs shall be verified on a one-time basis unless the household has moved, changed its utilities, or the information is questionable.

(ii) If the household wishes to claim actual utility expenses these utility costs shall be verified.

~~((i))~~ (h) Medical care costs. ((Verify)) Medical expenses that will result in a deduction including the amount of reimbursement shall be verified. If reimbursement cannot be verified, certify without allowing the expense except in prospective budgeting as in WAC 388-54-745(8).

~~((j))~~ (i) Dependent care cost. ((Verify)) Actual costs of care of a child or other dependent when necessary for a household member to seek, accept, or continue employment or training except in prospective budgeting as in WAC 388-54-745(8) shall be verified.

~~((k))~~ (j) Household size. ((Verify)) The number of individuals within a food stamp household who reside in a domicile shall be verified.

~~((l))~~ (k) Household composition. ~~((Verify the number of people who customarily purchase and prepare meals together.))~~ Persons who claim to be a separate household shall be responsible for proving separate household status to the satisfaction of the department.

(l) Disability. The department shall verify disability as follows:

(i) Disabled persons shall provide proof of receipt of benefits under Titles I, II, X, XIV, or XVI of the Social Security Act;

(ii) Disabled veterans shall provide a statement from the Veterans' Administration stating the disability is:

(A) Service-connected; and

(B) Rated or paid as total.

(iii) A veteran, surviving spouse, or surviving child who is in need of regular aid and attendance or permanently housebound shall provide proof of receipt of veterans' disability benefits;

(iv) A surviving spouse or child of a veteran entitled to compensation disability by the department as follows:

(A) For an obvious disability, the department shall use the Social Security Administration's list of disabilities considered permanent; or

(B) For a disability not obvious, the department shall require a statement from a physician or a certified psychologist verifying disability.

(v) A person shall provide proof of receipt of railroad retirement disability annuity payments and qualify for Medicare;

(vi) An elderly and disabled person who is unable to purchase and prepare meals separately because of a permanent disability shall be verified as follows:

(A) Observation by staff for an obvious disability;

(B) A statement from a physician or licensed psychologist that the permanent disability is not obvious.

(4) Verification of questionable information. The department shall verify all other factors of eligibility prior to certification if the factors are questionable and affect a household's eligibility or benefit level. Questionable factors shall include but not be limited to:

(a) Citizenship. When a household's statement that one or more of its members are U.S. citizens is questionable, the household shall ((be asked to)) provide verification.

(b) Alien status. When a household identifies that a member is not a citizen, verification of alien status is required.

(i) ~~((The alien not providing documentation of status shall be ineligible:))~~

~~((ii))~~ The household ~~((is))~~ shall be responsible for providing documentation of alien status. The department shall not contact INS to obtain information about the alien's correct status without the alien's written consent.

(ii) The alien not providing documentation of status shall be ineligible.

(iii) The household shall be given the option of withdrawing the application or participating without the alien member.

(iv) The income and resources of the ineligible alien shall be treated in the same manner as a disqualified individual as found in WAC 388-54-830.

(5) Verification at ((reapplication)) recertification. ((At reapplication;)) A change in income or source of income, medical expenses, or actual utility expenses claimed in an amount over twenty-five dollars ((must)) shall be verified at recertification.

(a) All other changes may be reverified at recertification.

(b) Verifications shall be subject to the same verification procedures as apply during initial verification.

(6) Verification for monthly reporting households. For cases subject to food stamp monthly reporting, the department shall verify the following on a monthly basis:

(a) Gross nonexempt income;

(b) Utility expenses unless the standard utility allowance is used;

(c) Medical expenses per WAC 388-54-740(6);

(d) Alien status, Social Security number, residency, and citizenship if changed;

(e) All other questionable information.

## WSR 87-06-034

### EMERGENCY RULES

### DEPARTMENT OF FISHERIES

[Order 87-10—Filed February 27, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of razor clams are available.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.08.080 [75.08.080] and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 27, 1987.

By Ray Ryan  
for Joseph R. Blum  
Director



NEW SECTION

**WAC 220-56-36000N RAZOR CLAMS—AR-EAS AND SEASONS.** *It is unlawful to take or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3 except as provided for in this section:*

(1) *Razor clam digging is allowed from 12:01 a.m. through 11:59 a.m. April 1 through May 17, 1987.*

(2) *Razor clam digging is allowed on odd-numbered days only.*

(3) *It is unlawful to dig for razor clams at any time in the Long Beach or Copalis Beach Razor Clam Sanctuaries as defined in WAC 220-56-372.*

**WSR 87-06-035****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 87-09—Filed February 27, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of chinook are available, and allocation closure period is under negotiation.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 27, 1987.

By Ray Ryan  
for Joseph R. Blum  
Director

NEW SECTION

**WAC 220-56-18000T BAG LIMIT CODES.** *Notwithstanding the provisions of WAC 220-56-180, effective immediately until further notice, in waters having the designation Code H, the bag limit is three salmon, provided that:*

(1) *Chinook salmon must not be less than 22 inches in length, but there is no minimum size for other salmon.*

(2) *In contiguous waters east of the mouth of the Sekiu River no more than two of the three salmon may be chinook salmon, except that in waters of Punch Card Area 12 the limit is three salmon of any species.*

**WSR 87-06-036****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed March 2, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning proposed amendment to chapter 16-101 WAC, adding a new section;

that the agency will at 1:30 p.m., Wednesday, April 8, 1987, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 10, 1987.

The authority under which these rules are proposed is chapter 15.32 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 8, 1987.

Dated: March 2, 1987

By: James E. Wommack  
Assistant Director

**STATEMENT OF PURPOSE**

Title: Milk standards.

Description of Purpose: To provide for the addition of multivitamins and multiminerals to milk and milk products.

Statutory Authority: Chapter 15.32 RCW.

Specific Statute Rule is Intended to Implement: RCW 15.32.051.

Summary of Rule: Allows milk and milk products to be fortified with vitamins, minerals and calcium, and sets certain limits as to the amounts to be added. Also provides for certain labeling on cream.

Agency Person to Contact: Richard White, Chief, Dairy Inspection Section, Department of Agriculture, 406 General Administration Building, Olympia, WA 98504, mailstop AX-41, (206) 753-5042.

These rules are proposed by the dairy industry.

Agency Comment: None.

These rules are not necessary as a result of federal law, or federal or state court action.

Small Business Impact Statement: None.

NEW SECTION

**WAC 16-101-455 MULTIVITAMIN FORTIFIED OR MULTIMINERAL FORTIFIED MILK OR MILK PRODUCTS.** "Multivitamin fortified" or "multimineral fortified" milk or milk products are milk and milk products, other than vitamin D, vitamin A, or vitamin A and D milk or milk products, the vitamins or minerals content of which have been increased in an amount not to exceed one hundred percent of the United States recommended daily allowance (U.S. RDA) for an 8 fluid ounce serving. The name of the milk or milk product shall include the specific vitamins or minerals added. The name of the milk or milk product shall bear the statement "mineral fortified" or similar statement approved by the department. All additives shall be listed in the ingredient statement.

NEW SECTION

**WAC 16-101-465 LOWFAT MILK WITH CALCIUM ADDED.** "Lowfat milk with calcium added" is lowfat milk which is fortified with calcium carbonate, tricalcium phosphate or other additive

approved by the department, to a level of not less than 500 mg per 8 fluid ounce serving. The principal display panel shall prominently bear the statement "a dietary supplement of calcium." All additives shall be listed in the ingredient statement.

#### NEW SECTION

WAC 16-101-475 NONFAT (SKIM) MILK WITH CALCIUM ADDED. "Nonfat (skim) milk with calcium added" is nonfat milk which is fortified with calcium carbonate, tricalcium phosphate or other additive approved by the department, to a level of not less than 500 mg per 8 fluid ounce serving. The principal display panel shall prominently bear the statement "a dietary supplement of calcium." All additives shall be listed in the ingredient statement.

#### AMENDATORY SECTION (Amending Order 1401, filed 6/19/75 and 6/20/75)

WAC 16-101-570 SOUR HALF-AND-HALF OR CULTURED HALF-AND-HALF. Sour half-and-half or cultured half-and-half is pasteurized half-and-half the acidity of which is not less than .50 percent expressed as lactic acid, produced by natural bacterial action of a lactic-acid-producing culture or by the direct addition of a food grade acid. Salt, lactose, starter culture distillate, approved type edible stabilizers are optional ingredients, but they shall be listed on the label if they are added. Sour half-and-half or cultured half-and-half may be alternately labeled as "light sour cream" or "light cultured sour cream" or "lite sour cream" or "lite cultured sour cream."

### WSR 87-06-037

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 87-11—Filed March 2, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable guidelines are expected to be met by that time.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 2, 1987.

By Joseph R. Blum  
Director

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective 6:00 p.m. March 2, 1987:*

WAC 220-32-03000E COLUMBIA RIVER  
SALMON SEASONS BELOW BONNEVILLE (87-07)

### WSR 87-06-038

#### NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Memorandum—March 2, 1987]

The Washington State Human Rights Commission will hold its next regular commission meeting in Tacoma on March 25 and 26, 1987. The meeting on March 25, will be held at the Tacoma Dome Hotel, McAllister East Room, East 26th and "E" Streets, Tacoma, from 7:00 p.m. to 11:00 p.m. and will be a work session only. The regular business meeting will be held at the Tacoma Area Citizens With Individual Disabilities Center, Classrooms C and D, 6315 South 19th, Tacoma, beginning at 9:30 a.m. on March 26. The main topic of discussion for the March meeting will be employment and persons of disability.

### WSR 87-06-039

#### PROPOSED RULES

#### INSURANCE COMMISSIONER

[Filed March 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning insurers, health care service contractors, health maintenance organizations, surplus line brokers and insurance brokers. Trade practices and standards to be met by insurers are defined with respect to settlements of claims. WAC 284-30-500 is amended with respect to motorcycle liability insurance policies and to define an unfair practice in the use of driving records as to private passenger automobile insurance. Rules are added to chapter 284-30 WAC defining unfair practices pertaining to discrimination; denial of insurance; policy cancellations, renewals and changes; and accidental death and injury benefits. Rules are proposed prohibiting insurers, health care service contractors and health maintenance organizations from discouraging individuals from using the insurance commissioner's office or from not responding promptly to the commissioner, and requiring the use of clear and precise health questions in applications for insurance. An unfair practice is defined with respect to insurance brokers charging fees in connection with the procurement of insurance;

that the agency will at 10:00 a.m., Friday, April 10, 1987, in the First Floor Conference Room, General Administration Building, 11th and Columbia Streets, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 21, 1987, in the Insurance Commissioner's Office, Olympia, Washington, at 10:00 a.m.

The authority under which these rules are proposed is RCW 48.02.060, 48.44.050 and 48.46.200.

The specific statute these rules are intended to implement is RCW 48.30.010, 48.44.050, 48.44.145, 48.46.200, 48.46.120, 48.46.130 and 48.46.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 10, 1987. Mailing address: Insurance Building, AQ-21, Olympia, Washington 98504.

Dated: March 3, 1987

By: Robert E. Johnson  
Deputy Commissioner

### STATEMENT OF PURPOSE

Title: Amending chapter 284-30 WAC and adding new sections thereto.

The purpose of the proposed action is to clarify existing unfair practices rules by their amendment and to define new unfair practices that must be observed by insurers and their representatives, and to prohibit certain practices with respect to the operations of health care service contractors and health maintenance organizations.

The general statutory authority for the rules with respect to insurance companies is RCW 48.02.060, to effectuate RCW 48.30.010, by defining methods of competition and other acts and practices in the conduct of the business of insurance reasonably found by the commissioner to be unfair or deceptive; and with respect to health care service contractors RCW 48.44.050 and 48.44.145; and with respect to health maintenance organizations, RCW 48.46.200, 48.46.120, 48.46.130 and 48.46.370.

WAC 284-30-330: To clarify that the section pertains specifically to the settlement of claims; to emphasize insurers' obligation to effectuate prompt settlements of property damage claims involving innocent third parties; to set standards for determining whether drafts are being honored in a timely fashion; to require procedures designed to produce payments of claims in a timely manner after the obligation to pay has been established; to prohibit the improper use of appraisers from outside the area of the loss; to require that a good faith effort be made to settle a claim before exercising a contract right of appraisal; and to restrict negotiations or settlements of claims directly with an insured or claimant known to be represented by an attorney without the attorney's knowledge or consent.

WAC 284-30-350 would prohibit an insurer from paying a benefit without advising the payee, in writing, that reimbursement may be required, if that is the case.

WAC 284-30-390 is to clarify requirements with respect to determining the value of a vehicle in total loss situations; and to require an insurer to keep first party claimants apprised of the insurer's efforts relative to subrogation claims.

WAC 284-30-500 clarifies that the requirement of providing liability coverage with respect to motorcycle passengers is applicable to a motorcycle policy and not to every auto policy; and restricts the use of an insured's or applicant's driving record to events occurring in the past three years unless, because of the individual's accidents, violations or driving record in the three years immediately past, the earlier record is significantly relevant in evaluating the individual's qualifications for insurance.

WAC 284-30-572 prohibits discrimination in two situations. First, an insurer may not discriminate with respect to property or casualty insurance because of an insured's or applicant's race, creed, color, national origin, religion, or ability to read, write or speak the English language. Second, an insurer, health care service contractor or health maintenance organization may not discourage a claimant or an insured from contacting the insurance commissioner or unfairly discriminate against such person because of such contact.

WAC 284-30-574 makes it an unfair practice for an insurer to rely solely on another insurer's denial, cancellation or nonrenewal of insurance to support a denial or termination of coverage. The insurer must go behind another insurer's action and make its own independent decision on the merits.

WAC 284-30-590 defines unfair practices with respect to cancellations, renewals and changes of policy rates or terms. Subsection (1) permits a twenty day notice to be used once, only, pursuant to RCW 48.18.2901(2), and requires every such notice to be clear and specific to enable an insured to understand what is being done. Subsection (2) requires any other midterm change to be accomplished with at least 45 days advance notice, and requires the contract provision permitting such change to be set forth conspicuously in the contract under a prominent caption. Subsection (3) requires changes of rates or terms to be done prospectively, only. Subsection (4) makes it an unfair practice to refund any premium on less than a pro rata basis where an insured elects to not continue coverage beyond the effective date of the change. Subsection (5) recognizes that the cancellation and nonrenewal provisions in chapter 48.18 RCW no longer apply to surplus line policies, and, therefore, makes it an unfair practice for any surplus line broker to procure any policy of insurance pursuant to chapter 48.15 RCW that is cancelable by less than ten days advance notice for nonpayment of premium and twenty days for any other reason, except as to policies exempted by RCW 48.15.160. Subsection (6) makes it an unfair practice for any insurer to make a common practice of purporting to nonrenew a policy and then following-up with an offer to rewrite substantially the same insurance. Subsection (7) deals with an insurer's obligations to correct mistakes in premiums made by it or its agents, and to correct premium errors caused by erroneous or incomplete information supplied by the applicant or insured.

WAC 284-30-620 makes it an unfair practice for insurers to deny benefits for accidental deaths or injuries solely because the death occurred or the expenses were incurred more than some period of time less than one year. In other words, covered benefits must be paid if death occurs, or services are incurred, within one year of the accident.

WAC 284-30-630 requires insurers, health care service contractors and health maintenance organizations to use clear and precise questions in applications for coverage if the answers to health questions are to be used to determine eligibility for coverage or the existence of preexisting conditions.

WAC 284-30-650 requires insurers, health care service contractors and health maintenance organizations to respond promptly to inquiries from the commissioner relative to the business of insurance. A lack of response within fifteen business days from receipt of an inquiry is considered untimely.

WAC 284-30-750 makes it an unfair practice for an insurance broker providing services in connection with the procurement of insurance to charge a fee in excess of the usual commission which would be paid to an agent, without having advised the insured or prospective insured, in writing, in advance of the rendering of services, that there will be a charge and its amount or the basis on which such charge will be determined.

Robert E. Johnson, Deputy Insurance Commissioner, (206) 753-2406, with the assistance of Melodie Bankers, Scott Jarvis and Patricia Petersen, Deputies, was primarily responsible for drafting the rules. As deputy in charge of the consumer protection division, he, and Edward Southon, Deputy Commissioner for Company Supervision, (206) 753-7303, will share responsibility for the implementation and enforcement of the rules. Their addresses are Insurance Building, AQ-21, Olympia, Washington 98504.

The rules are proposed by the insurance commissioner, a state public official.

The proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: The cost per employee or per hour of labor for a large or small business is estimated at zero. Some insurers will have to upgrade or reform a few practices as a result of the rules, but the cost should be insignificant. There is no greater impact on an insurer with fifty or fewer employees than on one with more employees. Assuming that there is an adverse economic impact on an insurer with fifty or fewer employees as a result of the rules, the right of the consumer to be treated fairly greatly outweighs what could only be a modest affect on the insurer or other licensee or individual.

**AMENDATORY SECTION** (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-330 ~~SPECIFIC UNFAIR ((METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR)) CLAIMS SETTLEMENT PRACTICES DEFINED.~~ The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, specifically applicable to the settlement of claims:

- (1) Misrepresenting pertinent facts or insurance policy provisions.
- (2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies.
- (3) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies.
- (4) Refusing to pay claims without conducting a reasonable investigation.
- (5) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed.
- (6) Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear. In particular, this includes an obligation to effectuate prompt payment of property damage claims to innocent third parties in clear liability situations. If two or more insurers are involved, they should arrange to make such payment, leaving to themselves the burden of apportioning it.
- (7) Compelling insureds to institute or submit to litigation, arbitration, or appraisal to recover amounts due under an insurance policy by

offering substantially less than the amounts ultimately recovered in such actions (~~brought by such insureds~~) or proceedings.

(8) Attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application.

(9) Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which the payments are being made.

(10) Asserting to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration.

(11) Delaying the investigation or payment of claims by requiring an insured, claimant, or the physician of either to submit a preliminary claim report and then requiring subsequent submissions which contain substantially the same information.

(12) Failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

(13) Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(14) Unfairly discriminating against claimants because they are represented by a public adjuster.

(15) Failure to expeditiously honor drafts given in settlement of claims. A failure to honor a draft within three working days of notice of receipt by the payor bank will constitute a violation of this provision. Dishonor of any such draft for valid reasons related to the settlement of the claim will not constitute a violation of this provision.

(16) Failure to adopt and implement reasonable standards for the processing and payment of claims once the obligation to pay has been established. Except as to those instances where the time for payment is governed by statute or rule or is set forth in an applicable contract, procedures which are not designed to deliver a check or draft to the payee in payment of a settled claim within fifteen business days after receipt by the insurer or its attorney of properly executed releases or other settlement documents are not acceptable. Where the insurer is obligated to furnish an appropriate release or settlement document to an insured or claimant, it shall do so within twenty working days after a settlement has been reached.

(17) Delaying appraisals or adding to their cost under insurance policy appraisal provisions through the use of appraisers from outside of the loss area. The use of appraisers from outside the loss area is appropriate only where the unique nature of the loss or a lack of competent local appraisers make the use of out-of-area appraisers necessary.

(18) Failing to make a good faith effort to settle a claim before exercising a contract right to an appraisal.

(19) Negotiating or settling a claim directly with any claimant known to be represented by an attorney without the attorney's knowledge and consent. This does not prohibit routine inquiries to an insured claimant to identify the claimant or to obtain details concerning the claim.

**AMENDATORY SECTION** (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-350 **MISREPRESENTATION OF POLICY PROVISIONS.** (1) No insurer shall fail to fully disclose to first party claimants all pertinent benefits, coverages or other provisions of an insurance policy or insurance contract under which a claim is presented.

(2) No agent shall conceal from first party claimants benefits, coverages or other provisions of any insurance policy or insurance contract when such benefits, coverages or other provisions are pertinent to a claim.

(3) No insurer shall deny a claim for failure to exhibit the property without proof of demand and unfounded refusal by a claimant to do so.

(4) No insurer shall, except where there is a time limit specified in the policy, make statements, written or otherwise, requiring a claimant to give written notice of loss or proof of loss within a specified time limit and which seek to relieve the company of its obligations if such a time limit is not complied with unless the failure to comply with such time limit prejudices the insurer's rights.

(5) No insurer shall request a first party claimant to sign a release that extends beyond the subject matter that gave rise to the claim payment.

(6) No insurer shall issue checks or drafts in partial settlement of a loss or claim under a specific coverage which contain language which release the insurer or its insured from its total liability.

(7) No insurer shall make a payment of benefits without clearly advising the payee, in writing, that reimbursement may be required, when such is the case.

**AMENDATORY SECTION** (Amending Order R 84-8, filed 12/27/84)

WAC 284-30-390 STANDARDS FOR PROMPT, FAIR AND EQUITABLE SETTLEMENTS APPLICABLE TO AUTOMOBILE INSURANCE. The following standards apply to insurance claims relating to motorcycles and private passenger automobiles as defined in RCW 48.18.297: (1) When the insurance policy provides for the adjustment and settlement of first party automobile total losses on the basis of actual cash value or replacement with another of like kind and quality, one of the following methods must apply:

(a) The insurer may elect to offer a replacement automobile which is a specific comparable automobile available to the insured, with all applicable taxes, license fees and other fees incident to transfer of evidence of ownership of the automobile paid, at no cost other than any deductible provided in the policy. The offer and any rejection thereof must be documented in the claim file.

(b) The insurer may elect a cash settlement based upon the actual cost, less any deductible provided in the policy, to purchase a comparable automobile including all applicable taxes, license fees and other fee incident to transfer of evidence of ownership of a comparable automobile. Such cost may be determined by

(i) The cost of a comparable automobile in the local market area when a comparable automobile is available in the local market area. Any settlement offer which relies upon prices of automobiles advertised for sale in local newspapers may include only prices for automobiles verified by the insurer as being comparable in age and condition to the insured automobile; or

(ii) One of two or more quotations obtained by the insurer from two or more qualified dealers located within the local market area when a comparable automobile is not available in the local market area. An insurer must accurately describe the age and condition of the insured automobile to the dealers surveyed and may use only price quotations for the retail selling price of a comparable automobile.

(c) When a first party automobile total loss is settled on a basis which deviates from the methods described in subsections (1)(a) and (1)(b) of this section, the deviation must be supported by documentation giving particulars of the automobile condition. Any deductions from such cost, including deduction for salvage, must be measurable, discernible, itemized and specified as to dollar amount and shall be appropriate in amount. The basis for such settlement shall be fully explained to the first party claimant.

(2) Where liability and damages are reasonably clear, insurers shall not recommend that third party claimants make claim under their own policies solely to avoid paying claims under such insurer's insurance policy or insurance contract.

(3) Insurers shall not require a claimant to travel unreasonably either to inspect a replacement automobile, to obtain a repair estimate or to have the automobile repaired at a specific repair shop, or to obtain a temporary rental or loaner automobile.

(4) Insurers shall, upon the claimant's request, include the first party claimant's deductible, if any, in subrogation demands. Subrogation recoveries shall be shared on a proportionate basis with the first party claimant, unless the deductible amount has been otherwise recovered. No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect such recovery. The deduction may then be for only a pro rata share of the allocated loss adjustment expense. An insurer shall keep first party claimants apprised of its efforts relative to subrogation claims.

(5) If an insurer prepares an estimate of the cost of automobile repairs, such estimate shall be itemized and shall be in an amount for which it may be reasonably expected the damage can be satisfactorily repaired. The insurer shall give a copy of the estimate to the claimant and shall, upon request, furnish to the claimant the names of repair shops convenient to the claimant that will satisfactorily complete the repairs for the estimated cost, having in mind, particularly, the problems associated with the repair of unibody vehicles.

(6) In first party claim situations, if an insurer elects to exercise a contract right to repair and designates a specific repair shop for automobile repairs, the insurer shall cause the damaged automobile to be restored to its condition prior to the loss at no additional cost to the

claimant other than as stated in the policy and within a reasonable period of time.

(7) In any claim situation, an insurer shall make a good faith effort to honor a claimant's request for repairs to be made in a specific repair shop of the claimant's choice, and shall not arbitrarily deny such request. A denial of such a request solely because of the repair shop's hourly rate is arbitrary if such rate does not result in a higher overall cost of repairs. The insurer shall make an appropriate notation in its claim file setting forth the reason it has rejected a claimant's request.

(8) Deductions for betterment and depreciation are permitted only for parts normally subject to repair and replacement during the useful life of the insured motor vehicle. Deductions for betterment and depreciation shall be limited to the lesser of an amount equal to the proportion that the expired life of the part to be repaired or replaced bears to the normal useful life of that part, or the amount which the resale value of the vehicle is increased by the repair or replacement. Calculations for betterment, depreciation, and normal useful life must be included in the insurer's claim file.

**AMENDATORY SECTION** (Amending Order R 84-8, filed 12/27/84)

WAC 284-30-500 UNFAIR PRACTICES WITH RESPECT TO VEHICLE INSURANCE. (1) Beginning July 1, 1985, the following practices by any insurer with respect to every vehicle liability insurance policy applicable to private passenger automobiles registered or principally garaged in this state are unfair and prohibited:

(a) Failing to provide, to any insured under such policy, liability limits at least as great as those required by RCW 46.29.090, as measured at the effective date of the pertinent policy or its renewal;

(b) Denying or limiting liability coverage in such policy to less than the limits required by RCW 46.29.090, solely because the injured person is related to the insured by blood or marriage, as, for example, through use of so-called "family" or "household" exclusions;

(c) Denying or limiting liability coverage in such policy, with respect to injuries sustained by motorcycle passengers, to an amount below the bodily injury liability limits required by RCW 46.29.090, if the policy provides liability coverage for an insured's ownership, operation, or use of a motorcycle.

(2) Beginning July 1, 1985, the following practices by any insurer, with respect to vehicle insurance policies applicable to private passenger vehicles registered or principally garaged in this state, are unfair and prohibited:

(a) Failing to provide a named insured under such policy an itemization of the premium costs for the coverages under the policy as to which there are identifiable separate premium charges. Such itemization shall be given no later than the time of delivery of a policy and with each offer to renew thereafter;

(b) Failing, except with respect to a motorcycle policy, to provide, to any named insured who so requests and pays the premium therefor, first party automobile benefits such as those in medical payments coverage or personal injury protection, on approved forms commonly used by the insurer in the state of Washington, with maximum benefit limits, as appropriate to the particular form, of at least:

(i) \$35,000 for medical and hospital benefits incurred within three years of the accident;

(ii) \$35,000 for one year's income continuation benefits, subject to a limit of the lesser of \$700 per week or eighty-five percent of the weekly income; and

(iii) \$40 per day for loss of services benefits, for at least a year.

(3) Beginning July 1, 1987, it shall be an unfair practice for any insurer to consider traffic violations or accidents which occurred more than three years in the past, with respect to the acceptance, rejection, cancellation or nonrenewal of any insured under a private passenger automobile insurance policy, unless, because of the individual's violations, accidents or driving record during the three years immediately past, the earlier violations or accidents are significantly relevant to the individual's qualifications for insurance.

(4) For purposes of this section, the definition of a "private passenger automobile" is that set forth in RCW 48.18.297, and includes a motorcycle except as otherwise specifically provided in this section.

**NEW SECTION**

WAC 284-30-572 DISCRIMINATION PROHIBITED. (1) It shall be an unfair practice for any insurer to decline, cancel, or refuse to renew any property or casualty insurance policy, or to vary its

terms, rates, conditions or benefits, because of an insured's or applicant's race, creed, color, national origin, religion, or ability to read, write, or speak the English language.

(2) It is an unfair practice for any insurer, and a prohibited practice for any health care service contractor or health maintenance organization, to discourage a claimant or an insured from contacting the insurance commissioner, or to unfairly discriminate against such person because of such contact.

#### NEW SECTION

WAC 284-30-574 INSURER MUST MAKE INDEPENDENT EVALUATION. It shall be an unfair practice for any insurer to rely solely on another insurer's denial, cancellation, or nonrenewal of insurance to support a denial or termination of coverage. In every case, an insurer must go behind another insurer's action and make its own independent decision on the merits.

#### NEW SECTION

WAC 284-30-590 UNFAIR PRACTICES WITH RESPECT TO POLICY CANCELLATIONS, RENEWALS, AND CHANGES. (1) It is unfair practice to utilize a twenty-day notice to increase premiums by a change of rates or to change the terms of a policy to the adverse interest of the insured thereunder, except on a one time basis in connection with the renewal of a policy as permitted by RCW 48.18.2901(2), or to utilize such notice if it is not, by its contents, made clearly and specifically applicable to the particular policy and to the insured thereunder or does not provide sufficient information to enable the insured to understand the basic nature of any change in terms or to calculate any premium resulting from a change of rates.

(2) In the unusual situation where a contract permits a midterm change of rates or terms, other than in connection with a renewal, it is an unfair practice to effectuate such change with less than forty-five days advance written notice to the named insured, or to utilize a contract provision which is not set forth conspicuously in the contract under an appropriate caption of sufficient prominence that it will not be minimized or rendered obscure.

(3) It is an unfair practice to effectuate a change of rates or terms other than prospectively. Such changes may be effective no sooner than the first day following the expiration of the required notice.

(4) If an insured elects to not continue coverage beyond the effective date of any change of rates or terms, it is an unfair practice to refund any premium on less than a pro rata basis.

(5) The cancellation and renewal provisions set forth in chapter 48.18 RCW do not apply to surplus line policies. To avoid unfair competition and to prevent unfair practices with respect to consumers, it is an unfair practice for any surplus line broker to procure any policy of insurance pursuant to chapter 48.15 RCW that is cancelable by less than ten days advance notice for nonpayment of premium and twenty days for any other reason, except as to a policy of insurance of a kind exempted by RCW 48.15.160. This rule shall not prevent the cancellation of a fire insurance policy on shorter notice in accord with chapter 48.53 RCW.

(6) Except where the insurance policy is providing excess liability or property insurance including so-called umbrella coverage, it is an unfair practice for an insurer to make a common practice of giving a notice of nonrenewal of an insurance policy followed by an offer to re-write the insurance, unless the proposed renewal insurance is substantially different from that under the expiring policy.

(7) Where the rate has not changed but an incorrect premium has been charged, if the insurer elects to make a midterm premium revision, it is an unfair practice to treat the insured less favorably than as follows:

(a) If the premium revision is necessary because of an error made by the insurer or its agent, the insurer shall:

(i) Notify the applicant or insured of the nature of the error and the amount of additional premium required; and

(ii) Offer to cancel the policy or binder pro rata based on the original (incorrect) premium for the period for which coverage was provided; or

(iii) Offer to continue the policy for its full terms with the correct premium applying no earlier than twenty days after the notice of additional premium is mailed to the insured.

(b) If the premium revision results from erroneous or incomplete information supplied by the applicant or insured, the insurer shall:

(i) Correct the premium or rate retroactive to the effective date of the policy; and

(ii) Notify the applicant or insured of the reason for the amount of the change. If the insured is not willing to pay the additional premium billed, the insurer shall cancel the policy, with appropriate statutory notice for nonpayment of premium, and compute any return premium based on the correct premium.

#### NEW SECTION

WAC 284-30-620 PERMISSIBLE TIME LIMIT FOR BENEFITS PAYABLE BECAUSE OF ACCIDENTAL INJURY OR DEATH. Beginning July 1, 1987, it shall be an unfair practice for any insurer to deliver a policy of insurance in this state which provides for benefits in case of accidental death or accidental injury, if it limits the benefits payable thereunder to losses occurring within a stated period of time after the accident, unless such period of time extends for at least one year from the time of the accident. In other words, benefits for accidental death or for covered expenses incurred because of an accidental injury shall be paid if the death occurs, or the services are incurred, within one year of the accident.

#### NEW SECTION

WAC 284-30-630 HEALTH QUESTIONS IN APPLICATIONS TO BE CLEAR AND PRECISE. If an insurer, including a health care service contractor or a health maintenance organization, intends to rely on an applicant's or enrollee's answers to health questions in an application to determine eligibility for coverage or the existence of a preexisting condition, such questions must be clear and precise. Simply asking whether the applicant has been under the care of a physician during the preceding year, for example, is not sufficient to require a "yes" answer where the applicant has been using medications that were prescribed prior to the start of the preceding year and the applicant has not seen a physician for more than a year.

#### NEW SECTION

WAC 284-30-650 PROMPT RESPONSES REQUIRED. It is an unfair practice for an insurer, and a prohibited practice for a health care service contractor or a health maintenance organization, to fail to respond promptly to any inquiry from the insurance commissioner relative to the business of insurance. A lack of response within fifteen business days from receipt of an inquiry will be considered untimely. A response must be in writing, unless otherwise indicated in the inquiry.

#### NEW SECTION

WAC 284-30-750 BROKERS' FEES TO BE DISCLOSED. It shall be an unfair practice for any broker providing services in connection with the procurement of insurance to charge a fee in excess of the usual commission which would be paid to an agent without having advised the insured or prospective insured, in writing, in advance of the rendering of services, that there will be a charge and its amount or the basis on which such charge will be determined.

**WSR 87-06-040**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 87-02]

**ESTABLISHING THE GOVERNOR'S ALLIANCE  
AGAINST DRUGS**

Drug and alcohol abuse are serious problems in Washington State for which there is no simple solution. Government, private industry, schools and citizens must each do their part to minimize the problem through innovative and well-directed strategies. The Governor's Alliance Against Drugs will help improve cooperation between diverse segments of the community in breaking the drug abuse chain by calling public attention to the crisis and helping people to avoid drug use.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby establish the Governor's Alliance Against Drugs, as follows:

- A. The Alliance shall be composed of not more than twenty-five members, to be appointed by the Governor. The Governor shall serve as Chair and shall appoint a Vice-Chair and three additional members to serve as a five-member Executive Committee of the Alliance. A majority of the Alliance shall constitute a quorum and a majority of those present can approve Alliance action.
- B. Members of the Alliance shall represent business, local and state government, citizen groups, and other interested persons. Four legislators, two members from the Senate and two from the House, shall serve as ex-officio members of the Alliance.
- C. The Alliance will have five primary responsibilities:
  - 1. Raise awareness and change attitudes toward drug use through a speakers' bureau to send Alliance members to school assemblies, business meetings and community gatherings.
  - 2. Attract the resources to mount a long-lasting program by soliciting contributions from private businesses and foundations for anti-drug programs.
  - 3. Produce public service announcements and handle media relations to increase visibility of the problem of drug abuse.
  - 4. Coordinate anti-drug activities of state and local agencies through a central clearing house of information.
  - 5. Encourage schools and police to work together to prevent drug and alcohol abuse.
- D. Administration. The Alliance will be administered through the Department of Community Development with support staff from the Washington State Traffic Safety Commission and the Department of Social and Health Services.
- E. The Governor's Alliance Against Drugs created by this Executive Order shall complete its responsibilities prior to June 30, 1988, and will automatically cease operation and be disbanded on July 1, 1988.
- F. This Executive Order is effective immediately.

IN WITNESS WHERE-OF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 27 day of February A.D., nineteen hundred and eighty-seven.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

**WSR 87-06-041**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
[EO 87-03]

**1987 STATE CEILING FOR PRIVATE ACTIVITY BOND VOLUME**

WHEREAS, the "Tax Reform Act of 1986" imposes an annual state-by-state ceiling (the "State Ceiling") on the issuance of tax-exempt private activity bonds ("Private Activity Bonds"), which initially is equal to the greater of (a) \$250 million or (b) an amount equal to \$75 multiplied by a state's population, and drops in calendar years after 1987 to the greater of (a) \$150 million, or (b) an amount equal to \$50 multiplied by a state's population; and

WHEREAS, the 1986 Code allocates the State Ceiling to governmental units within the state having authority to issue Private Activity Bonds (the "Issuers") unless the state provides by law a different formula of allocation; and

WHEREAS, the 1986 Code provides that a state may by law, which may be enacted before passage of the 1986 Code, provide for a different formula for allocating the State Ceiling among Issuers; and

WHEREAS, the method of allocation of the State Ceiling set forth in the 1986 Code may restrain the issuance of Private Activity Bonds for qualified facilities and other eligible uses; and

WHEREAS, the State of Washington has, pursuant to chapter 446, Laws of 1985 (the "1985 Allocation Act"), previously provided a formula for allocation of the volume limitations contained in the Internal Revenue Code of 1954 (the "1954 Code"); and

WHEREAS, pursuant to its terms, the 1985 Allocation Act applies only to those private activity bonds which were defined in the 1954 Code on the effective date of such legislation, as well as private activity bonds which were defined in any later amendments to the 1954 Code, but only if such amendments are approved by the State

Community Economic Revitalization Board ("CERB"); and

WHEREAS, the change in the 1954 Code's definition of private activity bonds effected by the 1986 Code has not been approved by CERB, and therefore the formula for allocating any limitation on private activity bond volumes contained in the 1985 Allocation Act is of no application to the volume limitation provisions affecting Private Activity Bonds as redefined in the 1986 Code; and

WHEREAS, the method of allocation of the federal limitations contained in the 1985 Allocation Act, if it were made applicable to Private Activity Bonds as redefined in the 1986 Code, might restrain the issuance of Private Activity Bonds for qualified facilities and other eligible uses; and

WHEREAS, in anticipation of changes to the 1954 Code, the state enacted chapter 247, Laws of 1986 (the "Interim Allocation Act"), authorizing the Governor to establish by executive order a different formula for allocation of the State Ceiling; and

WHEREAS, although the Washington State Legislature may enact a law to allocate the State Ceiling, such a law may not be enacted in time to allow financing to be obtained for certain industrial development projects; and

WHEREAS, it is in the best interests of the citizens of the state of Washington to promote industrial development and encourage private investment in our state's economy;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, do hereby order:

Section 1. A portion of the State Ceiling for calendar year 1987, in the amount of \$30,000,000, is reserved to the state and shall be allocated by the State Department of Community Development to Issuers of Qualified Small Issue Bonds within the state for industrial development purposes.

Section 2. Issuers of Qualified Small Issue Bonds may request an allocation of the State Ceiling under this Executive Order by applying to the State Department of Community Development. Such Issuers shall submit all relevant information required by the Department of Community Development.

No Issuer may receive an allocation of the State Ceiling without a written certificate of approval from the Department of Community Development.

In accordance with any applicable law enacted by the State Legislature in 1987, any allocation amount granted to an Issuer under this Executive Order shall be treated as a part of the initial allocation amount for the small issue bond use category.

Section 3. In making allocation decisions, the director of the Department of Community Development shall consult with the director of the State Department of Trade and Economic Development and with the chair of the State Community Economic Revitalization Board.

The director of the Department of Community Development shall consider only those applications that can demonstrate firm and convincing evidence that the lack of allocation authority prior to enactment of 1987 legislation to allocate the state ceiling would seriously jeopardize the project's feasibility. The director of the Department of Community Development shall also consider the following factors with respect to each Issuer's request:

- A. The amount of the State Ceiling available;
- B. The cost or availability of alternative methods of financing the project;
- C. The number of employment opportunities the project is likely to create or retain in relation to the amount of allocation;
- D. A commitment to providing employment opportunities to low-income persons in cooperation with the Employment Security Department of Washington State;
- E. The number of persons who will benefit from the project; and
- F. The order in which requests are received.

Section 4. If an Issuer determines that bonds for which an allocation of the State Ceiling was granted will not be issued, the Issuer promptly shall notify the Department of Community Development so that the allocation may be cancelled and the amount may be available for reallocation among other Issuers of Qualified Small Issue Bonds.

Within three business days after the date that bonds for which an allocation of the State Ceiling was granted have been delivered to the original purchasers, the Issuer shall mail to the Department of Community Development a written notification of the bond issuance.

In the event that the amount of bonds issued at the time of closing is different than the amount contemplated by the original application or reapplication, the allocation received by the Issuer shall be adjusted to the amount of bonds actually issued, as long as



such amount is less than the original allocation, and any unused portion of the amount shall be available to be reallocated in accordance with this Executive Order. If the amount of bonds is greater than the allocation, the entire allocation shall be invalid.

**Section 5.** If bonds have not been issued for any portion of the small issue bond use category of the State Ceiling authorized to be allocated under this Executive Order within the time frame identified in Section 7, that portion shall revert to the State and be subject to any 1987 laws enacted by the State with respect to the allocation of the State Ceiling.

**Section 6.** For the purposes of Section 146(c) of the 1986 Code, this Executive Order shall be considered a gubernatorial proclamation providing a different formula for allocating the State Ceiling.

**Section 7.** The means of allocating the State Ceiling provided for in this Executive Order shall be effective until (a) this Executive Order is rescinded or superseded by a new executive order; (b) September 1, 1987; or (c) the effective date of any 1987 State legislation with respect to the allocation of the State Ceiling, whichever occurs first.

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the seal of  
the state of Washington to  
be affixed at Olympia this  
27 day of February, A.D.,  
nineteen hundred and  
eighty-seven.

Booth Gardner

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
Secretary of State

**WSR 87-06-042**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed March 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-14-045 Salaries—Comparable worth.
- Amd WAC 356-15-080 Standby compensation;

that the agency will at 10:00 a.m., Thursday, April 9, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1987.

Dated: March 2, 1987

By: Leonard Nord

Secretary

**STATEMENT OF PURPOSE**

Amending WAC 356-14-045 Salaries—Comparable worth.

Purpose: Current statements cover minimum requirements outlined in statute for implementation of comparable worth settlement.

Statutory Authority: RCW 41.06.150.

Summary: Changes would accomplish the following: Display legal reference to the 1985 WFSCME settlement agreement; establish policy/procedure when affected classes are created or revised; define authority and scope of our Comparable Worth Evaluation Committee; and provide for other administrative matters.

Reasons: Define criteria and procedures in the comparable worth process consistent with earlier adopted policies and practices.

Responsibility for Drafting: Tim Seth, Personnel Analyst, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98507-1789, phone 586-0194; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Comments: Recommend approval.

Result of Federal Law or Court Action: No.

Amending WAC 356-15-080 Standby compensation.

Purpose: To set forth the conditions and eligibility for standby payments.

Statutory Authority: RCW 41.06.150.

Summary: To allow agencies to pay more than regular standby pay rates and up to twice such rates, for employees required to standby on scheduled days off.

Reasons: Allows added standby pay premium during extraordinary circumstances of days off; similar to overtime pay for work on days off; also to allow implementation of negotiated bargaining provisions.

Responsibility for Drafting: Eugene L. St. John, Executive Director, Washington Public Employees Association, 124 West 10th, Olympia, WA 98501, phone 943-1121; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Washington Public Employees Association, employee organization.

Comments: This proposal does not mandate premium standby pay rates, but only allows for them as an agency may decide (or through bargaining).

Result of Federal Law or Court Action: No.

**AMENDATORY SECTION** (Amending Order 253, filed 7/1/86, effective 8/1/86)

WAC 356-14-045 SALARIES—COMPARABLE WORTH. (1) Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department of personnel in cooperation with the higher education personnel board. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under chapter 41-06 RCW shall be fully achieved not later than June 30, 1993.

(2) Comparable worth entitlements shall comply with the December 31, 1985 settlement agreement between the state of Washington and the American Federation of State, County and Municipal Employees (AFSCME), et al., as approved by federal district court and ratified by the Washington legislature.

(3) Upon the establishment of new classes, or redefinition of existing classes, the following policy shall apply:

(a) When an existing class or class series that is covered by the settlement agreement is substantially revised, the comparable worth salary range involvement shall be determined by reevaluating the classes using the Willis methodology.

(b) The comparable worth salary range involvement for classes that were not covered by the settlement agreement and newly created classes or class series shall be determined based on internal indexing, or Willis evaluation, whichever is determined most appropriate by the director.

(c) Salary ranges for new or revised classes which are substantially common with higher education personnel board classes shall be equal, as applicable.

(4) Comparable worth evaluation committee:

(a) Comparable worth evaluations using the Willis methodology shall be conducted by an evaluation committee composed of at least eight member representatives from operating agencies, employee organizations, and department of personnel staff.

(b) Members shall be experienced in agency programs or personnel administration. Members must also attend meetings on a regular basis a majority of the time.

(c) The director shall process committee appointments, appoint officers, establish meeting agendas, call meetings, and schedule (or reschedule) evaluations as he/she deems appropriate. Affected agency or employee representatives must submit any requests for evaluations or reevaluations in writing to the director for disposition and written response.

(5) Other administrative requirements regarding comparable worth adjustments include, but are not limited to, the following:

(a) The process for determining comparable worth class salary range involvement, if any, will be made a part of the regular monthly state personnel board meeting agenda.

(b) Requesting agencies and organizations should submit new and revised class proposals in sufficient time to accommodate a possible two-month review and evaluation period requirement.

(c) Agency requests should include proposed salary survey indexing and proposed comparable worth involvement, if any, at time of item submission. Indexing and comparable worth information will be included in board meeting agenda publications.

(d) For purposes of legal, fiscal, and legislative disclosure, comparable worth involvement salary ranges will be tracked and recorded by class.

**AMENDATORY SECTION** (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-080 STANDBY COMPENSATION. (1) Requirements:

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the

employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) Payment: Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate as shown in the state compensation plan. When an agency requires a scheduled or nonscheduled employee to standby on his or her scheduled (24-hour) days off, the agency may pay standby at up to twice the normal standby rate shown in the compensation plan. Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.

**WSR 87-06-043**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed March 3, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Foster care—Transportation and other expenses—Reimbursement, repealing WAC 388-70-056;

that the agency will at 10:00 a.m., Tuesday, April 7, 1987, in the Auditorium, OB2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 8, 1987.

The authority under which these rules are proposed is chapter 74.13 RCW.

The specific statute these rules are intended to implement is chapter 74.13 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1987.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director  
Administrative Services  
Department of Social and Health Services  
Mailstop OB 39  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by

March 24, 1987. The meeting site is in a location which is barrier free.

Dated: March 2, 1987  
By: Leslie F. James, Director  
Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Repealing WAC 388-70-056.

Purpose of the Rule Change: To simplify administration of the Division of Children and Family Services (DCFS) foster care transportation program.

Reason this Rule Change is Necessary: Current rules are unnecessary and unclear. Program requirements can be met in a procedural and policy manual.

Statutory Authority: Chapter 74.13 RCW.

Summary of Rule or Rule Change: Repeal of WAC 388-70-056 Transportation and other expenses—Reimbursement, eliminates all WAC requirements regarding inter- and intra-state transportation of children who are under the responsibility of the Department of Social and Health Services.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: John Weeden, Community Services Program Manager II, Division of Children and Family Services, phone 753-6761, mailstop OB-41.

Person or Organization (if other than DSHS) who Proposed These Rules: N/A.

The repeal of these rules is not necessary as a result of federal law, federal court decision or state court decision.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-70-056 TRANSPORTATION AND OTHER EXPENSES—REIMBURSEMENT.

#### WSR 87-06-044

#### ADOPTED RULES

#### DEPARTMENT OF COMMUNITY DEVELOPMENT (Fire Marshal)

[Order 87-05—Filed March 4, 1987]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the 9th and Columbia Building, GH-51, Olympia, Washington 98504-4151, the annexed rules relating to standard for above-ground used oil tanks, chapter 212-51 WAC.

This action is taken pursuant to Notice No. WSR 87-03-053 filed with the code reviser on January 21, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 19.114.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
APPROVED AND ADOPTED March 3, 1987.

By Chuck Clarke  
Deputy Director

#### Chapter 212-51 WAC STANDARDS FOR ABOVE-GROUND USED OIL TANKS

#### WAC

212-51-001	Purpose.
212-51-005	Definitions.
212-51-010	Applicability.
212-51-015	Application.
212-51-020	Alternate materials and methods.
212-51-025	Minimum design standards.
212-51-030	Location.
212-51-035	Environmental impact of placement of above-ground used oil tanks.
212-51-040	Portable fire extinguishers.
212-51-045	Signs.
212-51-050	Severability.

#### NEW SECTION

WAC 212-51-001 PURPOSE. The purpose of this chapter is to adopt recognized standards for the design, construction, and placement of above-ground tanks to collect used oil from private individuals for recycling purposes pursuant to RCW 19.114.040.

These standards are designed to fulfill the legislative intent as stated in RCW 19.114.010 which states "Improper disposal of used oil creates leaching problems within landfills, is a significant source of water pollution, has a detrimental impact on the fisheries industry, and contributes toward the overall shortage of energy resources. In light of these harmful consequences and the ease with which used oil can be recycled, the legislature declares that it is the policy of this state to collect and recycle used oil."

#### NEW SECTION

WAC 212-51-005 DEFINITIONS. The following definitions shall apply to this chapter:

- (1) "Approved" means approved by the state director of fire protection as the result of investigation and tests conducted by him/her, or by reasons of principles, tests by national, technical, or scientific organizations accepted by the director as valid.
- (2) "Director" means state director of fire protection.
- (3) "Department" means the department of community development, fire protection services division.
- (4) "Fire official" means the person or other designated authority, appointed by the city, town, or county, for administration and enforcement of the Uniform Fire Code adopted by reference in the State Building Code Act, chapter 19.27 RCW.
- (5) "Person" means an individual, private or public corporation, partnership, cooperative, association, estate,

municipality, political subdivision, or governmental agency or instrumentality. (RCW 19.114.020).

(6) "Recycle" means to prepare used oil for re-use as a petroleum product by refining, rerefining, reclaiming, reprocessing, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and rules.

(7) "Used oil" means automotive oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties.

#### NEW SECTION

WAC 212-51-010 **APPLICABILITY**. This chapter applies to all facilities placed for the collection of used oil from the public for the purpose of recycling.

#### NEW SECTION

WAC 212-51-015 **APPLICATION**. Prior to the placement of a collection facility, the installer shall make application to the local fire official. All equipment shall comply with the provision of this chapter. Permits will be issued or denied upon the basis of the applicant's compliance with the state fire protection services division, and the Uniform Fire Code as adopted by reference in the State Building Code Act, chapter 19.27 RCW. (See also UFC Sec. 4.101.) The installer shall provide, if required by the local fire official, a plot plan of the proposed location showing required set back from buildings or property lines.

#### NEW SECTION

WAC 212-51-020 **ALTERNATE MATERIALS AND METHODS**. The director of fire protection may modify any of the provisions of this code upon application in writing where there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be complied with, public safety secured. The particulars of such modification may be allowed and the decision of the director of fire protection shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

The director may require tests as proof of compliance with the intent of this code. Such tests shall be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

If technical expertise is unavailable within the department because of new technology, process, products, facilities, materials and uses attending the design of the proposed alternate, the director may require the person in possession or control to provide, without charge to the department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety speciality organization acceptable to the director and the owner, and shall

analyze the fire-safety properties of the design, operation or use of the proposed alternate, and prescribe the necessary recommended changes.

#### NEW SECTION

WAC 212-51-025 **MINIMUM DESIGN STANDARDS**. Used oil collection facilities for the collection of used oil from the public shall comply with the Uniform Fire Code and the following:

- (1) A funnel-shaped fill area to reduce spills.
- (2) A suitable port for emptying storage tank by suction. No pressurization of the tank shall be permitted.
- (3) A nearby suitable covered litter receptacle for disposal of contaminated oil containers.
- (4) There shall be a suitable sticker affixed to the tank that states approval of the director of fire protection and department of ecology.

#### NEW SECTION

WAC 212-51-030 **LOCATION**. Used oil collection facilities shall be located in accordance with the Uniform Fire Code, as adopted by chapter 19.27 RCW.

#### NEW SECTION

WAC 212-51-035 **ENVIRONMENTAL IMPACT OF PLACEMENT OF ABOVE-GROUND USED OIL TANKS**. As stated in RCW 90.48.320, "It shall be unlawful ... for oil to enter the waters of the state from ... any fixed or mobile facility or installation ...." Above-ground used oil tanks should be placed to avoid discharge of spilled oil into the surface waters or ground waters of the state pursuant to RCW 90.48.315 through 90.48.410.

#### NEW SECTION

WAC 212-51-040 **PORTABLE FIRE EXTINGUISHERS**. Fire extinguisher coverage shall be in accordance with the Uniform Fire Code.

#### NEW SECTION

WAC 212-51-045 **SIGNS**. (1) It shall be the responsibility of all owners of above-ground used oil tanks to post a prominent sign on or near the tank identifying the tank as a used oil recycling tank only, and stating that contaminants should not be mixed with used oil.

(2) Signs shall be commercially printed on the tank, or within two feet of it, and placed where spilled oil will not obscure message. "RECYCLE USED OIL HERE" letters will be a minimum of one inch high by three-eighths inch wide in capital letters (96 pt). Remaining letters will be five-eighths inch high by one quarter inch wide (60 pt.) with the letters "FOR USED OIL ONLY" and "DO NOT" in capital letters.

RECYCLED USED OIL HERE

\*Prevent water pollution

\*Protect public health

\*Re-use limited resources

FOR USED OIL ONLY  
DO NOT MIX WITH GASOLINE  
antifreeze, engine degreasers, solvents,  
cooking oil or any other contaminants

(3) The facility shall contain wording in accordance with the Uniform Fire Code visible from all sides stating "No Smoking or Open Flame."

(4) The establishment where a used oil collection tank is located shall prominently post a separate sign in a conspicuous place stating "RECYCLED USED OIL ACCEPTED HERE." Letters to be a minimum of one and one-half inches high by one-half inches wide in capital letters (144 pt).

#### NEW SECTION

WAC 212-51-050 SEVERABILITY. If any provision of this chapter or its application to any person is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

#### **WSR 87-06-045**

##### **ADOPTED RULES**

#### **DEPARTMENT OF CORRECTIONS**

[Order 87-01—Filed March 4, 1987]

I, Chase Riveland, secretary of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the reimbursement of one-time cost impacts associated with the locating of additional correctional facilities, and amending WAC 137-12A-060, department review committee.

This action is taken pursuant to Notice No. WSR 87-03-028 filed with the code reviser on January 14, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.01.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 3, 1987.

By Chase Riveland  
Secretary

#### AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-060 DEPARTMENT REVIEW COMMITTEE. (1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) The deputy secretary;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;

(d) Contracts and regulations administrator; and the  
(e) Chief, office of capital programs ((~~administrator, and the~~  
(f) Senior assistant attorney general assigned to the department)).

(2) The review committee shall approve or disapprove the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

#### **WSR 87-06-046**

##### **PROPOSED RULES**

#### **1989 CENTENNIAL COMMISSION**

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the 1989 Washington Centennial Commission intends to adopt, amend, or repeal rules concerning procedures to implement coordination of fund-raising and solicitation of sponsorships related to centennial programs or activities;

that the agency will at 1:00 p.m., Wednesday, June 4, 1987, in the WCC meeting, Olympia, Washington (exact room to be announced), conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 34.04 RCW and RCW 27.60.040.

The specific statute these rules are intended to implement is RCW 27.60.040 and [27.60].060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 22, 1987.

Dated: March 3, 1987

By: Putnam Barber  
Executive Secretary

#### **STATEMENT OF PURPOSE**

Title: Washington Centennial Commission.

Description of Purpose: Procedure to coordinate fund-raising and solicitation of sponsorships related to centennial programs or activities.

Statutory Authority: Chapter 27.60 RCW.

Summary of Rule: Clarify approval and appeals procedures for those seeking commission support or endorsement for their fund-raising or sponsorship efforts.

Reasons Supporting Proposed Action: Inform public and other agencies of procedures, clarify appeal methods.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Put Barber, mailstop KL-12, phone 753-0177.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Washington Centennial Commission.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: N/A.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: N/A.

Small Business Economic Impact Statement: N/A.

**AMENDATORY SECTION** (Amending Resolution No. 86-2, filed 10/17/86)

WAC 100-100-070 OUTSIDE RESOURCES. (1) The commission encourages the use of other state agencies, employees, and outside groups to implement and support the 1989 centennial.

(2) The commission may, from time to time, allow others to associate their projects or activities with the centennial celebration or provide other specific assistance as set forth in the application described in subsection (3) of this section.

(3) Sponsors of such programs or activities, other than publications, must complete an application specifying the manner in which they wish to associate their projects or activities with the centennial celebration or requesting such other assistance as may be described in the application form, which is available on request, and submit it to the centennial office in Olympia. The application will enable the commission to consider three aspects in its deliberation:

(a) Appropriateness of the project/activity as part of the centennial celebration.

(i) The project must show promise of contributing directly to public knowledge and appreciation of the history, society, or landscape of Washington.

(ii) If the project presents events of Washington history, it must be historically accurate or make adequate disclaimers to protect against perpetuation of errors.

(iii) If the project/activity touches on one of the state-wide programs of the commission (e.g., "Pacific Celebration '89," the "Centennial Games"), the project/activity must complement and support the goals of such related program. When necessary, the application will be referred to the appropriate centennial committee sponsoring said state-wide program for review.

(b) Population affected by the project/activity.

(i) Projects/activities which are primarily intended to appeal to residents of a single county shall be reviewed and approved by the county centennial commission/committee, described in WAC 100-100-052(1);

(ii) ~~Projects/activities which are ((state-wide in scope or intended to draw visitors from a multicounty area shall be reviewed and approved by the executive secretary. The executive secretary may consult with one or more county centennial commissions/committees in the course of his review)) of state-wide significance shall be reviewed by the appropriate program committee of the commission and the recommendation of that committee considered prior to action by the commission.~~

(c) Financial support of the project/activity.

(i) When projects/activities use internal resources of their sponsors or organizers, no further attention will be paid to this question.

(ii) When projects will rely on ticket sales or small direct contributions by participants or on support in an amount of less than one thousand dollars from local sources, an effort will be made to coordinate dates and locations to avoid damaging overlap of programming. If appropriate dates and locations cannot be identified, priority will be given to projects which have earliest dates of application.

(iii) When projects or activities seek grants or other external support, an effort will be made to coordinate requests in accordance with known policies of granting agencies. In the event that a coordinated approach cannot be agreed upon, priority will be given to projects which have earliest dates of application.

(iv) Requests which may total more than ten thousand dollars to organizations making contributions or grants in more than one county shall comply with "policies and procedures for large gifts" as approved by the commission.

(4) Approved projects may use the commission's centennial logo only when the conditions specified in WAC 100-100-130 through 100-100-180 are satisfied.

(5) ~~In the event of disagreement with the ((decision of the executive secretary, either by the applicant recognition or by another group which considers itself affected adversely, the disputed application and all supporting exhibits shall be referred to the executive committee.~~

~~The executive committee may decide the issue or may refer the dispute to a standing committee or to the commission. In the event of an adverse decision by the executive committee,)) recommendation of a program or other committee of the commission, the following procedures shall apply to any request for reconsideration:~~

~~(a) The licensing and sponsorships committee shall reconsider requests for letters of support for fund-raising efforts and may deny the requests or refer them for further consideration to the same or a different program committee or make a recommendation directly to the commission;~~

~~(b) The executive committee shall reconsider requests for financial support from funds derived from sales of centennial license plates as provided in subsection (6) of this section, and may deny the requests or refer them for further consideration to the same or a different program committee or directly to the budget and finance committee.~~

~~(c) The executive committee shall reconsider all requests for assistance of any other sort and may deny the requests or refer them for further consideration to any committee or to the commission.~~

~~(d) Further appeal may be made to the commission in the event of any adverse decision, other than an action of commission, at ((its)) the first meeting which occurs not less than thirty days after such commission review is requested in writing.~~

(6) Projects of state-wide significance. The commission may contract with public agencies and private nonprofit organizations which undertake to organize and manage distinctive projects of state-wide significance which are funded in part from revenues resulting from chapter 280, Laws of 1986.

(a) To be considered, proposals must satisfy the following basic criteria:

(i) The commission's share of the projected cash outlays implementation of the proposal must be no more than fifty percent.

(ii) The total amount requested from the commission must be no less than ten thousand dollars and no more than one hundred thousand dollars.

(iii) The proposal's goals and activities must ensure a demonstrable benefit.

(iv) The proposal must be open to participation without discrimination of any kind.

(v) The dates of proposed activities must be consistent with the schedule of the centennial celebration and allow for completion of all activities to be supported by the commission prior to December 31, 1989.

(b) The following process in selection of projects for assistance shall be followed:

(i) The commission's request for proposals shall give at least forty-five days notice before the due date.

(ii) Timely responses shall be reviewed by staff for completeness, responsiveness, compliance with nondiscrimination requirements, and other requirements as specified in the request for proposal.

(iii) Accepted responses shall be reviewed by one or more program committees of the commission. If no suitable program committee exists, the sponsor may request that the commission act as a committee of the whole for the purpose of review. The committee shall make a recommendation to the budget and finance committee concerning the level of funding (if any) for each proposal and the centennial commission which includes the committee's determinations of:

(A) The ways in which the proposal meets and complements the overall goals of the centennial celebration and the specific program goals of the committee; and

(B) The sense in which the project meets the requirement of having state-wide significance.

The program committee may ask for advice or further information from the sponsor of the proposal, relevant county centennial committees, and other interested parties.

(iv) The budget and finance committee shall recommend a level of funding for each project consistent with funds available in the centennial fund.

(v) The executive secretary shall negotiate the necessary contracts or agreements with the sponsor to implement the decision of the commission.

(7) ~~The commission may contract ((with)) or enter into agreements and understandings with affiliated organizations, other agencies, persons, and groups in an appropriate manner((;)) to accomplish commission activities((;)) in accordance with state law. The commission may work closely with such affiliated organizations and may provide special assistance to them to support their work in support of the commission's goals.~~

(8) The commission requires assurance of compliance with local, state, and federal civil rights and anti-discrimination laws and regulations, and open access for all persons regardless of race, religion, ethnic background, or physical handicap, as a condition of sponsorship, recognition, endorsement or support of any activity proposing to celebrate the state centennial.

(9) The commission may provide cosponsorship, recognition, endorsement, financial support, and/or other assistance to persons or groups in order to facilitate contributions to literature about Washington, its culture, history, geography, and other aspects to be celebrated during the centennial and other events or programs under the purview of the commission by statute or executive order.

(a) Authors and publishers who are developing projects which they believe will make a contribution to the celebration of the centennial, and who wish to have that expectation confirmed in writing may request a letter of encouragement.

(i) The executive secretary may require such information as he deems necessary, and shall provide the applicant with full information about procedures and criteria.

(ii) If the executive secretary issues a letter of encouragement, the letter may be reproduced for publicity purposes or reprinted in the work.

(iii) Issuance of a letter of encouragement does not imply approval to print or otherwise use the centennial symbol in any way.

(b) The commission may endorse publications which make important contributions to the celebration or the understanding of the history or character of Washington.

(i) Endorsement allows commercial use of the commission symbol, provided that such commercial use shall be in compliance with WAC 100-100-900.

(ii) Application for publication endorsement shall be made to the executive secretary on forms provided for that purpose; provided that the executive secretary shall require submission of two copies of the publication or manuscript plus twenty-five dollars. Neither the copies nor the twenty-five dollars will be returned.

(iii) In the event that the applicant disagrees with the decision of the executive secretary, the applicant may request a review by the executive committee who may decide the issue or refer it to the commission's publications committee.

(c) The "centennial bookshelf" is a list of publications maintained and distributed by the commission. Listing does not imply endorsement by the commission of the content or opinions expressed in the work. Prominent notice shall be given for each issue of the "centennial bookshelf."

(i) Each publication in the "bookshelf" must make a contribution to the understanding of the history or character of Washington.

(ii) Each publication must be in print or generally available to the public through bookstores or mail distribution.

(iii) Promotional items, limited editions, membership premiums, and other similar publications are not eligible to be listed.

(iv) An application for listing in the "centennial bookshelf" and instructions for filing shall be available from the commission upon request.

(v) Applications for listing may be approved in advance of publication when a definite publication date has been set; provided that in addition to information about the work the executive secretary shall charge the applicant ten dollars plus twice the full purchase price including shipping cost and tax. Such funds will be used to purchase two copies of the work when available.

(10) Letters of support. The commission may provide letters of support for the fund-raising efforts of independent organizations sponsoring centennial activities.

(a) To be considered, proposed activities must satisfy the following basic criteria:

(i) The project must require ten thousand dollars or more in support from outside sources;

(ii) The project must have state-wide impact as contrasted to local or specialized scope and must provide for access or participation by Washingtonians from every part of the state;

(iii) The project's goals and activities must ensure a demonstrable benefit;

(iv) The project must be open to participation without discrimination of any kind;

(v) The project dates must be consistent with the schedule of the centennial celebration.

(b) The following process in selection of projects for letters of support shall be followed:

(i) The notice of each review cycle shall give at least forty-five days notice before the due date;

(ii) Timely responses shall be reviewed by staff for completeness, responsiveness, compliance with nondiscrimination requirements, and other requirements as specified by the commission;

(iii) Accepted responses shall be reviewed by one or more program committees of the commission. The committee shall make a recommendation to the commission which includes the committee's determinations of:

(A) The ways in which the proposed project complements the overall goals of the centennial celebration and the program goals of the committee;

(B) The sense in which the project meets the requirements of having state-wide significance.

(iv) The executive secretary shall provide letters of support as provided by the commission to any project approved by the commission.

## WSR 87-06-047

### PROPOSED RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

Amd	WAC 296-46-110	Foreword.
Amd	WAC 296-46-130	Classification or definition of occupancies.
Amd	WAC 296-46-140	Plan review for educational, institutional or health care facilities and other buildings.
Amd	WAC 296-46-150	Wiring methods for designated building occupancies.
Amd	WAC 296-46-160	Service requirements.
Amd	WAC 296-46-180	Meter installation.
Amd	WAC 296-46-200	Service entrance conductors.
Amd	WAC 296-46-220	Service equipment.
Amd	WAC 296-46-240	Service masts.
New	WAC 296-46-316	Table headings, 1987 National Electrical Code.
Amd	WAC 296-46-350	Emergency systems.
Amd	WAC 296-46-370	Boat moorages, floating buildings and similar installations.
Amd	WAC 296-46-420	Nonmetallic cable systems—Ground-fault circuit interrupter protection.
New	WAC 296-46-422	Water heater circuit.
Amd	WAC 296-46-495	Electrical work permits and fees.
New	WAC 296-46-514	Service stations.
Amd	WAC 296-46-680	Electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs.
Amd	WAC 296-46-910	Inspection fees.
Amd	WAC 296-46-940	Electrical contractor licenses;

that the agency will at 9:30 a.m., Tuesday, April 7, 1987, in the First Floor Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 19.28.060 and 19.28.600.

The specific statute these rules are intended to implement is chapter 19.28 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1987.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendment of rules on economic values pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for the hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

J. Philip Simmons  
Chief Electrical Inspector  
Department of Labor and Industries  
Electrical Section  
805 Plum Street Southeast  
Post Office Box 9519  
Olympia, WA 98504-9519  
(206) 753-2330

Dated: March 4, 1987

By: Richard A. Davis  
Director

#### STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules.

Statutory Authority: RCW 19.28.060 and 19.28.600.

Specific Statutes These Rules are Intended to Implement: Chapter 19.28 RCW.

Summary of the Rules: This notice proposes to promulgate revisions or additions to chapter 296-46 WAC, to adopt the 1987 National Electrical Code as part of the rules and make other revisions to the installation rules and reduce or revise the electrical work permit fees. WAC 296-46-110, adopts the 1987 edition of the National Electrical Code and corrects the reference to the headquarter's office; 296-46-130, updates the definitions of educational, institutional or health or personal care facilities. Specific definitions which are used in the National Electrical Code or in Department of Social and Health Services standards will be used; 296-46-140, revised editorially as well as adding a requirement that approved electrical plans be available on the job site for use during the electrical installation and for use by the electrical inspector; 296-46-150, revised to identify each of the building occupancies for which specific wiring methods or equipment is required. The general requirement for wiring educational, institutional and health care facilities in a metal conduit wiring system is removed. This will revert the wiring methods to those mandated in the National Electrical Code; 296-46-160, revised to identify a fire wall separation in accordance with the Uniform Building Code; 296-46-180, minor editorial revision; 296-46-200, revised to more clearly state the wiring methods which are permitted for services; 296-46-220, revisions to this section will require

illumination of only indoor service equipment, will provide for the use of temporary services after the permanent service has been connected, as well as providing for services to multiple occupancy buildings; 296-46-240, minor editorial revisions with notes to drawings E-101 and E-102 being moved from the drawing to a more legible format in the rules; 296-46-316, four wiring ampacity table headings of the 1987 National Electrical Code are being revised to continue present industry practice and remove ambiguity; 296-46-350, revised editorially as well as adding provisions for fire alarm systems; 296-46-370, clarification is being made to this existing section as well as adding provisions for disconnecting means for floating buildings and similar installations; 296-46-420, revised to include and clarify requirements for the first floor of a building relating to nonmetallic sheath cable wiring systems as well as requirements for ground fault interrupter protection for personnel; 296-46-422, contains minimum branch circuit requirements for water heaters; 296-46-495, revisions to this section include the requirement for the address where an inspection is to be made, to be identifiable from the street, road or highway which serves the premises and provides for a ninety-day expiration for temporary construction electrical work permits after suspension of construction activity; 296-46-514, provides requirements similar to those in the Uniform Fire Code for disconnecting means for gasoline pumps, dispensers and similar equipment; 296-46-680, revised to remove requirements for hydro-massage bathtubs in accordance with the 1987 National Electrical Code and to provide requirements for electrical installations for equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs in accordance with Senate Bill 4556 which was passed during the 1986 legislative session; 296-46-910, several fees are being reduced and some revisions being made which will result in an overall reduction of inspection fees. In addition, an annual inspection fee is being provided for those firms who have full-time maintenance electricians on their payroll; 296-46-920, the penalty for working as an electrical trainee without proper supervision is being removed and the penalty for performing electrical installations, alterations or maintenance outside the scope of a firm's specialty contractors license is being reduced; and 296-46-940, new section is being added which will clarify the licensing of joint venture electrical contractors.

Reasons Supporting the Proposed Rules: To implement a portion of the legislation passed by the 1986 legislature and for the health and safety of the citizens of the state of Washington.

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: J. Philip Simmons, Chief Electrical Inspector, Department of Labor and Industries, 805 Plum Street Southeast, P.O. Box 9519, Olympia, WA 98504-9519, (206) 753-2330.

Name of the Person or Organization Whether Private, Public or Governmental that is Proposing the Rules: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation and Fiscal Matters Pertaining to the Rules: None.



The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purpose: None.

A small business impact statement is not required because the proposed rule does not affect more than twenty percent of all industries or ten percent of any one industry.

**AMENDATORY SECTION** (Amending Order 84-10, filed 7/17/84)

WAC 296-46-110 FOREWORD. The ~~((1984))~~ 1987 edition of the National Electrical Code (NFPA 70-1987) is hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the ~~((Seattle))~~ Olympia office of the electrical section of the department during business hours. Where there is any conflict between ~~((a specific rule,))~~ this chapter and the National Electrical Code, the ~~((specific rule))~~ requirements of this chapter shall be observed.

Electrical inspectors will give information as to the meaning or application of the National Electrical Code and this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

**AMENDATORY SECTION** (Amending Order 84-10, filed 7/17/84)

WAC 296-46-130 CLASSIFICATION OR DEFINITION OF OCCUPANCIES. (1) Educational ~~((occupancy))~~ facility refers to a building or portion of a building used primarily for educational purposes and shall include buildings used for the gathering of groups of six or more persons for purposes of instruction. Educational occupancy includes, but is not restricted to: Schools, colleges, academies, ~~((and))~~ universities and child day care facilities.

(2) Institutional ~~((occupancy))~~ facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required. Such occupancies shall include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(3) Health or personal care ~~((occupancy, in addition to the health care facilities defined in the 1984 National Electrical Code in Article 517-2, shall also include, but is not restricted to the following: Ambulatory surgeries, alcoholism hospitals, alcoholism detoxification facilities, residential treatment facilities for psychiatrically impaired children and youth))~~ facility. Health or personal care facility refers to buildings or parts of buildings that contain but are not limited to facilities such as a hospital, nursing home, alcoholism hospital, psychiatric hospital, boarding home, alcoholism treatment facility, maternity home, birth center or childbirth center, residential treatment facility for psychiatrically impaired children and youths, and renal hemodialysis clinics which are licensed by the department of social and health services; and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(4) Boarding home means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(5) Private alcoholism hospital means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter shall not apply to any facility, agency, or other entity which shall be both owned and operated by a public or governmental body.

(6) Detoxification means care or treatment of an intoxicated person during a period where the individual recovers from the effects of intoxication.

(7) Private psychiatric hospital means an institution, facility, building, or agency specializing in the diagnosis, care, and treatment of individuals demonstrating signs and/or symptoms of mental disorder (as defined in RCW 71.05.020(2), and providing accommodations and other necessary services over a continuous period of twenty-four hours or more for two or more individuals not related to the operator, provided that this chapter shall not apply to any facility, agency, or other entity which shall be both owned and operated by a public or governmental body.

(8) Alcoholism treatment facility means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(9) Maternity home means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition shall not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(10) Birth center or childbirth center means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(11) Residential treatment facility for psychiatrically impaired children and youth means a residence, place, or facility designed and organized to provide twenty-four hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(12) Ambulatory surgical center or ASC means any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, has an agreement with HFCA under Medicare to participate as an ASC.

(13) Renal dialysis clinic is a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement).

(14) Adult residential treatment facility means a residence, place, or facility designed and organized primarily to provide twenty-four hour residential care, crisis and short-term care, and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 204, Laws of 1982.

(15) Private adult treatment home means a dwelling which is the residence or home of two adults providing food, shelter, beds, and care for two or fewer psychiatrically impaired clients, provided these clients are detained under chapter 71.05 RCW and the dwelling is certified as an evaluation and treatment facility under chapter 71.05 RCW.

(16) Group care facility means an agency maintained and operated for the care of a group of children on a twenty-four-hour basis.

**AMENDATORY SECTION** (Amending Order 84-10, filed 7/17/84)

WAC 296-46-140 PLAN REVIEW FOR EDUCATIONAL ~~((AND)),~~ INSTITUTIONAL OR HEALTH CARE FACILITIES AND OTHER BUILDINGS. (1) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in WAC 296-46-130 shall be reviewed and approved by the department before the electrical installation~~((s are))~~ or alteration is begun. Plans for these electrical installations within cities which perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds that of the department's, may be submitted to that city for review. Approved plans shall be available on the job site for use during the electrical installation or alteration and for use by the electrical inspector. Refer plans for review to the Electrical Inspection Section, Department of Labor and Industries, ~~((520 South Water Street))~~ 805 Plum St. SE, Olympia, Washington 98504. Please refer to WAC 296-46-910 for required fees for plan review.

(2) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans shall clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, shall include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment.

(3) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or other interested parties.

**AMENDATORY SECTION** (Amending Order 84-10, filed 7/17/84)

WAC 296-46-150 WIRING METHODS FOR DESIGNATED BUILDING OCCUPANCIES. Wiring methods ((for institutional, educational, health care facilities, and places of assembly of one hundred or more persons shall be wired as set forth in Article 518 of the National Electrical Code. The wiring methods in Section 518-3, Exception 1 shall not be permitted)), equipment or devices for health or personal care, educational or institutional facilities as defined or classified in WAC 296-46-130 or for places of assembly for one hundred or more persons shall comply with table 1 or 2 and the notes thereto. For determining the occupant load of places of assembly, the methods ((m)) of NFPA ((101-1981)), 101-1985 Life Safety Code shall be used.

**Table 1**  
**Health or Personal Care Facilities**  
**Electrical System—Wiring Methods**

<u>Health or Personal Care Facility</u>	<u>Power, Lighting, or Class 1 Circuits</u>	<u>General Patient Care</u>	<u>Critical Patient Care</u>	<u>Emergency Power, Lighting or Signalling</u>	<u>Low Voltage Systems</u>	<u>Special Requirements</u>
Hospital	1	1	1	1	4,5	2,5
Nursing home	1	1	1	1	4,5	2,5
Boarding home more than 16 persons	1			1	4,5	2
Boarding home 16 persons or less	1				5,6	2
Alcoholism hospital	1	1		1	4,5	2
Detoxification facilities	1	1		1	4,5	2
Psychiatric hospital	1	1		1	4,5	2,3
Alcoholism treatment facility (other than detoxification facility)	1	1		1	4,5	2
Maternity home	1	1		1	4,5	2
Residential treatment facility for psychiatrically impaired children & youths	1	1		1	4,5	2,3
Medical, dental & chiropractic clinics	1	1		1	5,6	
Ambulatory surgeries & clinics	1	1	1	1	4,5	
Renal hemodialysis clinics	1	1		1	4,5	
Adult residential treatment facility more than 16 persons	1			1	4,5	2
Adult residential treatment facility 16 persons or less	1				5,6	2
Group care facilities for children more than 16 persons	1			1	4,5	2
Group care facilities for children 16 persons or less	1				5,6	2

Table 2  
Educational Facilities, Institutional Facilities  
or Places of Assembly for 100 or more persons  
Electrical System—Wiring Methods

<u>Facility</u>	<u>Power, Lighting or Class 1 Circuits</u>	<u>Emergency Power, Lighting</u>	<u>Low Voltage Systems</u>	<u>Special Requirements</u>
<u>Educational</u>	1	1	4,5	
<u>Institutional</u>	1	1	4,5	
<u>Place of assembly for 100 or more persons</u>	1	1	4,5	
<u>Licensed day care for children aged through 6 years over three story building</u>	1	1	4,5	3
<u>Licensed day care for children aged through 6 years - thru three story building</u>	1	1	5,6	3

Wiring or System Type for Tables 1 and 2

1. Wiring methods in accordance with the National Electrical Code.
2. Ground-fault circuit-interrupter protection of 15 or 20 ampere, 125 volt receptacles within a bathroom or shower room or within five feet of a basin which is located in a patient room.
3. Tamperproof receptacles in licensed day care facilities and pediatric or psychiatric patient care areas for 15 or 20 ampere, 125 volt receptacles. Tamperproof receptacles shall, by construction, limit improper access to energized contacts.
4. Fire alarm, nurse call, public address systems used to give directions during an emergency situation or other emergency systems shall be installed in a metallic raceway.
5. Class 2 or 3 limited energy systems and communication systems including telephone, intercom, data processing or similar systems shall be permitted to be installed as open cable systems in compliance with the National Electrical Code.
6. Fire alarm systems shall be permitted to be installed as open cable systems in compliance with the National Electrical Code.
7. Rigid nonmetallic raceways shall be permitted to be installed in the earth or in concrete on or below grade.

AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)

WAC 296-46-160 SERVICE REQUIREMENTS. (1) The serving utility shall be consulted by the owner, the owner's agent, or the contractor making the installation regarding the service entrance location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral shall be made at a location acceptable to the serving utility. The point of attachment for a service drop must permit the clearances required by the National Electrical Code.

(2) A fire wall shall have a minimum two-hour rating as defined by the Uniform Building Code to be considered a building separation in accordance with Article 100 of the National Electrical Code.

AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)

WAC 296-46-180 METER INSTALLATION. Except as otherwise permitted by the serving utility, the height of the center of the service meter shall not be more than 7 feet or less than 5 feet above finished grade or the floor below the meter. Secondary instrument transformer conductors for metering shall not be permitted in the service raceway.

AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)

WAC 296-46-200 SERVICE ENTRANCE CONDUCTORS.

(1) Service entrance conductors shall extend at least 18 inches from the service head to permit connection to the service drop.

(2) ((Unfused)) (a) Service conductors for 600 volts, nominal, or less within a building or structure shall be ((installed in the metallic raceways, other than electrical metallic tubing, permitted in Section 230-43 of the National Electrical Code or in Schedule 80 rigid non-metallic conduit)) limited to the following methods: Galvanized rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; rigid nonmetallic conduit; cablebus; or mineral-insulated, metal-sheathed cable (type MI).

(b) Service conductors exceeding 600 volts, nominal, within a building or structure shall be limited to the following methods: Galvanized

rigid metal conduit; galvanized intermediate metal conduit; open runs of metal-clad cable; cablebus; or busways.

(c) The service raceway or cable shall extend no more than fifteen feet inside the building or structure.

(3) Service conductors under the exclusive control of the serving utility, when installed within a building or structure shall be installed in rigid steel galvanized conduit or Schedule 80 nonmetallic conduit and the conduit shall ((comply with subsection (2) of this section)) extend no more than fifteen feet inside the building or structure. The grounded service conductor may be identified with a yellow jacket.

AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)

WAC 296-46-220 SERVICE EQUIPMENT. (1) Service equipment, sub-panels, and similar electrical equipment shall be installed so that they are readily accessible and shall not be installed in bathrooms, clothes closets, shower rooms, cupboards, or attics, or above washers, clothes dryers, or plumbed-in fixtures. All indoor service equipment and sub-panel equipment shall be adequately illuminated.

(2) Service switches and other equipment exposed to elements of the outside weather shall be rain tight type factory built for the purpose. Refer to NEMA-3R.

(3) Temporary construction service equipment shall not be used for other than construction purposes and shall be disconnected when the permanent service is connected unless an extension for a definite period of time is granted by the department.

(4) Multiple-occupancy buildings. A second or additional underground service lateral to a multiple-occupancy building shall be permitted to be installed at a location separate from other service laterals to the building provided that all the following conditions are complied with:

(a) Each service lateral is sized in accordance with the National Electrical Code for the calculated load to be served by the conductors;

(b) Each service lateral terminates in service equipment which is located in or on a unit served by the service equipment;

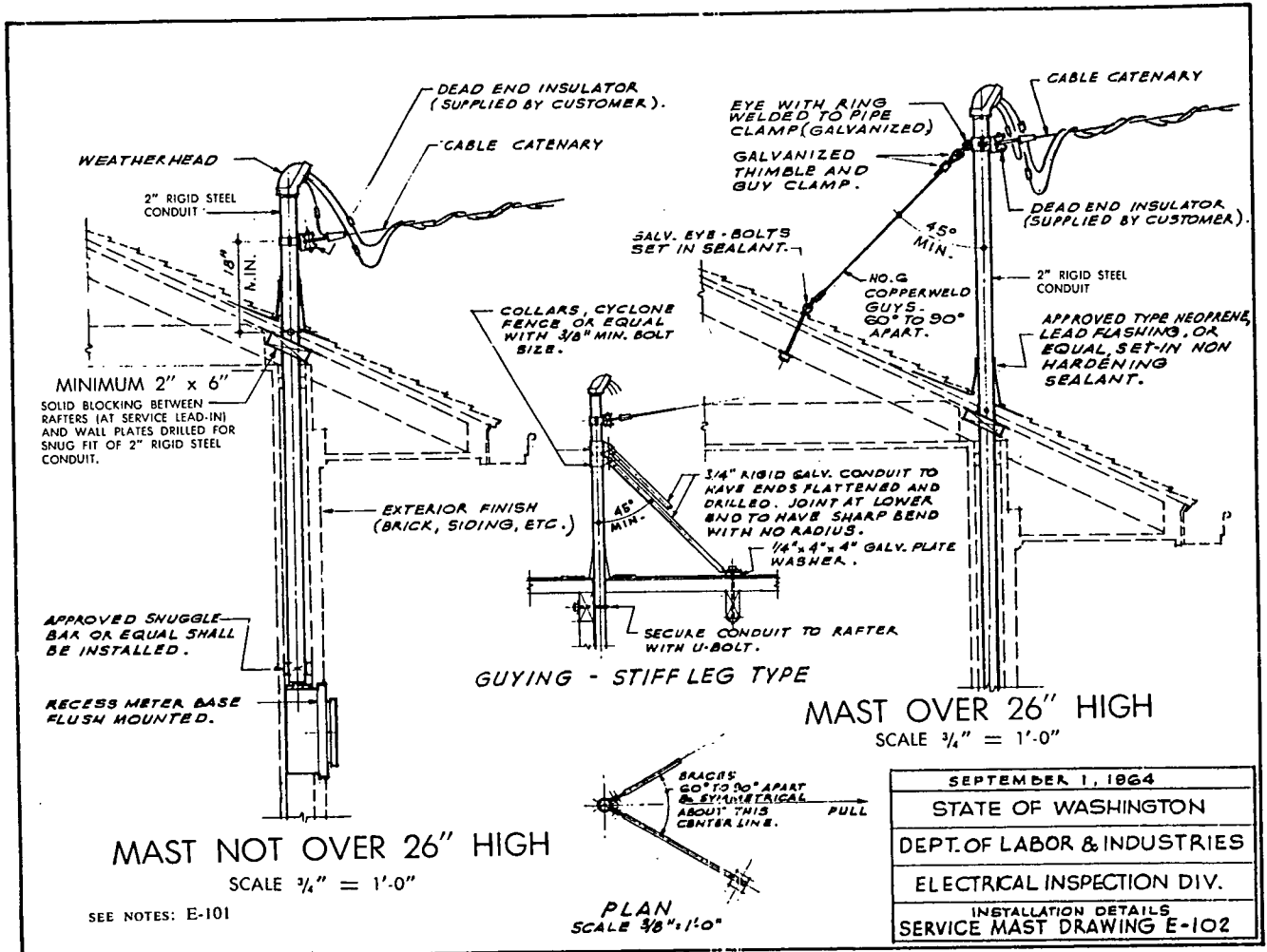
(c) The service equipment is separated at least fifteen feet from other service equipment in or on the building; and

(d) A permanent directory suitable for the environment is placed at each service equipment location which identifies all other service equipment locations in or on the building.

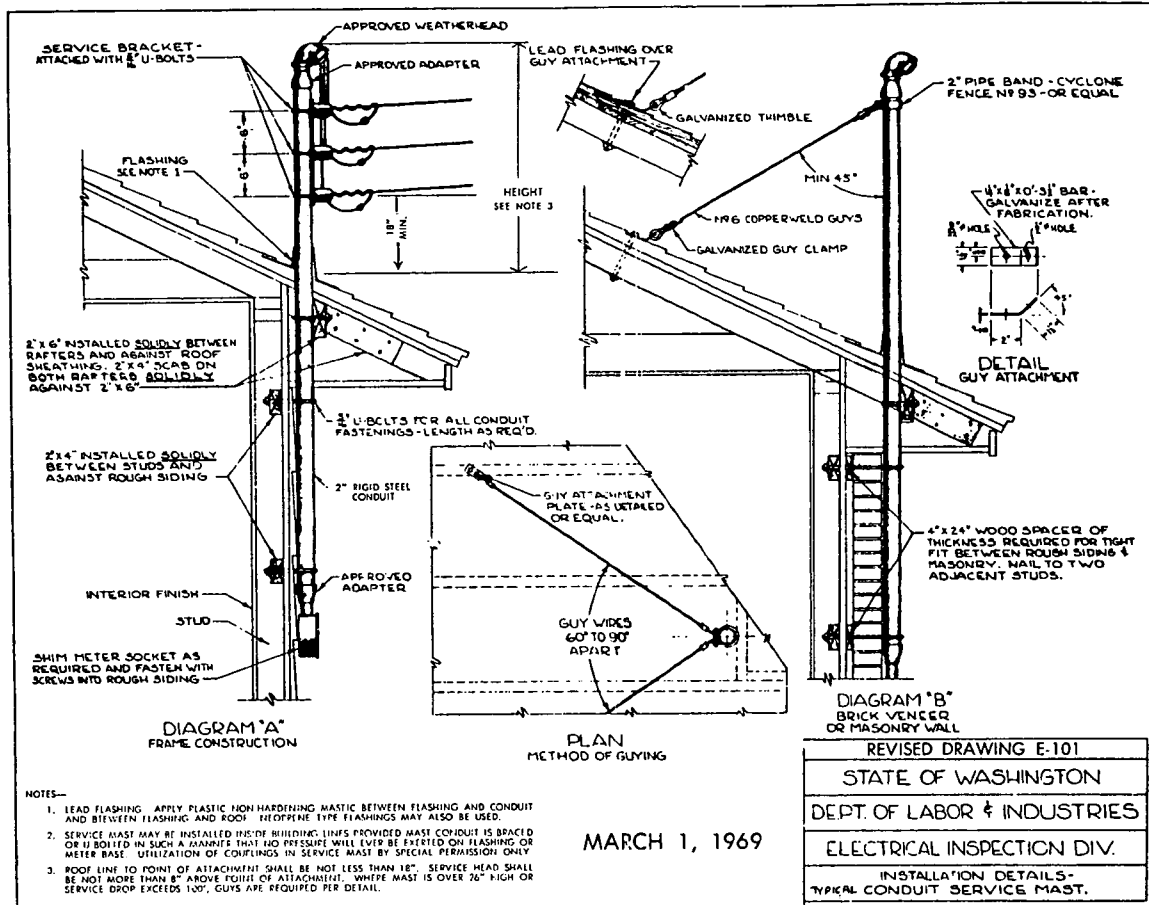
for the service drop and shall be equipped with a properly installed flashing at the roof line. The installation shall comply with drawings E-101 and E-102, or shall provide equivalent strength by other approved means.

AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)

WAC 296-46-240 SERVICE MAST. A service entrance conduit extended through the roof to provide a means of attaching the service drop shall be no smaller than 2-inch rigid steel galvanized conduit. ((†)) The service mast shall provide a structurally sound attachment



SEPTEMBER 1, 1964
STATE OF WASHINGTON
DEPT. OF LABOR & INDUSTRIES
ELECTRICAL INSPECTION DIV.
INSTALLATION DETAILS
SERVICE MAST DRAWING E-102



S. F. No. 9562-05

**Notes to drawings E-101 and E-102.**

1. An approved roof flashing shall be installed on each mast which passes through a roof. Plastic, nonhardening mastic shall be placed between lead-type flashings and the conduit. Neoprene type flashings shall also be permitted to be used.
2. A service mast may be installed inside or outside the building lines provided that the mast is braced, secured and supported in such a manner that no pressure from the service drop will be exerted on a roof flashing or meter base.
3. Utilization of couplings in a service mast are permitted only below the point the mast is braced, secured or supported.
4. Except as otherwise required by the serving utility, service mast support guys shall be installed if the service drop attaches to the mast more than 24 inches above the roof line or if the service drop is greater than 100 feet.
5. Intermediate support masts shall be installed in an approved manner with methods identical or equal to those required for service masts.
6. For altered services, when it is impractical to install U bolt mast supports due to interior walls remaining closed, it shall be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material which is secured to wooden studs with 5/16 inch diameter or larger lag bolts.

**NEW SECTION**

**WAC 296-46-316 TABLE HEADINGS—1987 NATIONAL ELECTRICAL CODE.** (1) The heading of Table 310-16 of the 1987 National Electrical Code is hereby revised to read as follows: "Table 310-16. Ampacities of not more than three single insulated conductors, rated 0 through 2000 volts, in raceway and ampacities of cable types AC, NM, NMC, and SE. Based on ambient air temperature of 30°C (86°F)."

(2) The heading of Table 310-18 of the 1987 National Electrical Code is hereby revised to read as follows: "Table 310-18. Ampacities

of three single insulated conductors, rated 0 through 2000 volts 110° to 250°C in raceway. Based on ambient air temperature of 40°C (104°F)."

(3) The heading of Table 310-22 of the 1987 National Electrical Code is hereby revised to read as follows: "Table 310-22. Ampacities of three insulated conductors, rated 0 through 2000 volts within an overall covering (three conductor cable) in raceway. Based on ambient air temperature of 30°C (86°F)."

(4) Electrical conductors, cables and duct banks shall be permitted to be buried deeper than shown in Figure 310-1 in the 1987 National Electrical Code.

**AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)**

**WAC 296-46-350 EMERGENCY SYSTEMS.** (1) Exit and emergency lights shall be installed in accordance with the National Electrical Code, Article 700, and Life Safety Code NFPA 101-1985 in all health or personal care facilities, educational facilities, institutional facilities, hotels, motels, and places of assembly. Installation shall be made in strict accordance with the National Electrical Code, Article 700, and WAC 296-46-150.

(2) Fire alarm systems. Fire alarm systems required by a city, county, or state ordinance, statute, or regulation shall be installed in accordance with the National Electrical Code and this chapter. Power-limited fire alarm systems shall be permitted to be installed in metallic raceways using conductors shown in section 760-16(b) of the National Electrical Code for nonpower-limited circuits or those 600 volt conductors which are rated for 90°C or greater in Table 310-13 of the National Electrical Code.

(3) Junction boxes for fire alarm systems other than the surface raceway type, shall be substantially red in color. Conductors for light, heat, or power shall not be installed in any enclosure, raceway, cable, compartment, outlet box, or similar fitting containing fire alarm conductors.

AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)

WAC 296-46-370 BOAT MOORAGES, FLOATING BUILDINGS, AND SIMILAR INSTALLATIONS. Docks, wharves, boat moorages, floating buildings, and similar facilities in addition to complying with the appropriate sections of Article 553 or Article 555 of the National Electrical Code shall have a service disconnect located on the shoreline ((for all services of 600 volts or less)).

Where shore power is provided, each floating building or boat moorage berth shall have a disconnecting means located within sight of and not more than fifty feet from each floating building or berth. Conductors in excess of 600 volts, nominal shall not be installed on floating portions of marinas, docks, or wharves. The disconnecting means shall be installed adjacent to but not in or on the floating building. Refer to the Fire Protection Standard for Marinas and Boatyards, NFPA 303 for additional information.

AMENDATORY SECTION (Amending Order 84-10, filed 7/17/84)

WAC 296-46-420 ((ELECTRICAL EQUIPMENT GROUNDING)) NONMETALLIC CABLE SYSTEMS—GROUND-FAULT CIRCUIT INTERRUPTER PROTECTION. (1) All electrical equipment grounding conductors for nonmetallic cable systems shall be completely made up at the time of the inspection.

(2) For the purposes of section 336-4(a) of the National Electrical Code, the first floor of a building shall be defined as that floor which is intended or used for human occupancy or habitation and which has fifty percent or more of the exterior wall area level with or above finished grade. Floor levels which are designed or used only for vehicle parking, storage, or similar uses shall not be considered a floor for human occupancy or habitation.

(3) All 125 volt, single phase, 15 and 20 ampere receptacles installed outdoors at a dwelling shall have ground-fault circuit-interrupter protection for personnel.

All 125 volt, single phase, 15 and 20 ampere receptacles installed in kitchens in a dwelling unit on the small appliance branch circuits, except for those receptacle outlets for dedicated use, such as for a dishwasher, disposal, trash compactor, refrigerator or freezer, shall have ground-fault circuit-interrupter protection for personnel.

NEW SECTION

WAC 296-46-422 WATER HEATER CIRCUIT. Branch circuit conductors and overcurrent devices shall be rated at least one hundred twenty-five percent of the circuit load. Water heaters rated which have a circuit load in excess of 3,500 watts at 240 volts shall be provided with a No. 10 AWG copper conductor or equal.

AMENDATORY SECTION (Amending Order 85-16, filed 9/27/85)

WAC 296-46-495 ELECTRICAL WORK PERMITS AND FEES. Inspections shall not be made nor services connected unless an electrical work permit is completely and legibly filled out and readily available. The classification or type of facility to be inspected and the scope of the electrical work to be performed shall be clearly shown on the electrical work permit. The address where the inspection is to be made shall be identifiable from the street, road or highway which serves the premises.

Except for emergency repairs to existing electrical systems, electrical work permits shall be obtained prior to beginning the installation or alteration. Electrical work permits shall expire one year after the date of purchase unless electrical work is actively and consistently in progress. Electrical work permits for temporary construction activity shall expire ninety days after suspended construction and no later than one year after purchase. Fees shall be paid in accordance with the inspection fee schedule WAC 296-46-910 ((Appendix F)).

Each electrical work permit shall be signed by the electrical contractor's administrator (or designee) or the person, firm, partnership, corporation, or other entity who or which is performing the electrical installation or alteration.

NEW SECTION

WAC 296-46-514 SERVICE STATIONS. In addition to complying with Article 514 of the National Electrical Code, each circuit leading to or through a gasoline pump, dispenser or island shall be provided with an emergency disconnect switch or other approved means which shall simultaneously disconnect all circuit conductors including the grounded circuit conductor if any.

The disconnecting means or operator shall be substantially red in color and identified as the emergency disconnecting means. The disconnecting means or operator shall be readily accessible and shall be located outdoors and within sight of the gasoline pump or dispenser the disconnect controls. For multicircuit installations an electrically held contactor shall be permitted to be used.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-46-680 ((HYDROMASSAGE BATHTUBS)) ELECTRICAL EQUIPMENT ASSOCIATED WITH SPAS, HOT TUBS, SWIMMING POOLS OR HYDROMASSAGE BATHTUBS. (1) ((Electrical equipment associated with hydromassage bathtubs shall be listed by an electrical products testing laboratory which is accredited by the department and shall have the supply circuit protected by a ground-fault circuit-interrupter.

(2) Receptacle outlets. Receptacle outlets shall not be located closer than six feet to a hydromassage bathtub unless located above or within one foot of a basin or vanity, in which case a receptacle outlet shall be permitted to be located no closer than three feet to the inside walls of a hydromassage bathtub. Receptacles located within the room or within twelve feet from the inside walls of a hydromassage bathtub, shall be protected by a ground-fault circuit-interrupter. A door or sliding window is not considered to be a permanent barrier.

(3) Lighting fixtures and lighting outlets. Lighting fixtures other than the pendant or hanging type shall be permitted above a one-person hydromassage bathtub if all of the following conditions are met:

(a) The fixture is of the totally enclosed type;

(b) The distance from the bottom of the fixture to the maximum water level is not less than five feet;

(c) The fixture is rigidly attached to the wall or ceiling; and

(d) A ground-fault circuit-interrupter is installed in the branch circuit supplying the fixture(s).

(4) Wall switches. Switches shall be located at least three feet measured horizontally from the inside walls of the hydromassage bathtub. Circuits controlled by wall switches located within six feet of the hydromassage bathtub shall be protected by a ground-fault circuit-interrupter.)) Electrical installations. In addition to complying with the statute, the National Electrical Code, and this chapter, the installation shall comply with electrical testing laboratory standards applicable to the specific equipment or installation.

(2) Package spa or hot tubs. Electrical heating, pumping, filtering, and/or control equipment installed within five feet of a spa or hot tub shall be listed as a package with the spa or hot tub.

(3) Skid packs. A factory assembly of electrical heating, pumping, filtering, and/or control equipment (skid pack) which shall be installed more than five feet from a spa or hot tub and shall be listed as a package unit.

(4) Field assembly of listed electrical equipment for a spa, hot tub, or swim spa. Field installed, listed electrical equipment (as distinguished from recognized components) for a hot tub, spa, or swim spa shall be permitted to be located at least five feet from the hot tub, spa or swim spa, provided that:

(a) The heater is listed as a "spa heater or swimming pool heater"; and

(b) The pump is listed as a "spa pump" or "swimming pool/spa pump" (the pump may be combined with a filter assembly); and

(c) Other listed equipment such as panelboards, conduit, and wire are suitable for the environment and comply with the applicable codes.

(5) Field assembly of listed electrical equipment for swimming pools. Field installed, listed electrical equipment (as distinguished from recognized components) for a swimming pool shall be permitted to be located at least five feet from the swimming pool provided that:

(a) The heater is listed as a "swimming pool heater or a spa heater"; and

(b) The pump is listed as a "swimming pool pump" or "spa pump" or "swimming pool/spa pump"; and

(c) Other equipment such as panelboards, conduit, and wire are suitable for the environment and comply with the applicable codes.

(6) Hydromassage bathtubs. Hydromassage bathtubs shall be either:

(a) Listed as a unit and bear a listing mark which will read "hydromassage bathtub"; or

(b) Be equipped with a listed "swimming pool pump," "spa pump," or "swimming pool/spa pump" and in addition, show evidence of having received approval from the department for the owners/installation instruction manual, brochures, and/or wiring diagrams.

(7) Manufacturers instructions shall be followed as a part of the listing requirements.

The field assembly or installation of "recognized components" shall not be permitted.

The five foot separation of electrical components may be reduced by the installation of a permanent barrier, such as a solid wall, fixed glass windows or doors, etc. The five foot separation will be determined by the shortest path or route that a cord can travel from the spa, hot tub, swim spa, or swimming pool to an object.

(8) Replacement of electrical equipment. Electrical components which have failed and require replacement shall be replaced with identical products unless the replacement part is no longer available, in which case, a similar product may be substituted provided that the electrical characteristics are identical and that the mechanical and grounding integrity of the equipment is maintained. Recognized components or listed equipment will be permitted to be replaced in kind. Cut-away type display models will not be expected to bear a listing mark and shall not be sold for other than display purposes.

**AMENDATORY SECTION** (Amending Order 85-16, filed 9/27/85)

WAC 296-46-910 INSPECTION FEES. To calculate the inspection fees, the amperage is based on the larger of the conductor ampacity or the over current device.

(1) The fee for inspection of the installation, alteration, or maintenance of the following service(s), or feeder(s), is:

	Residential Services Column A	Commercial/Industrial Column B	Additional Feeders in Commercial/Industrial Column C
1 - 100 AMP -	\$ 30	\$ 40	\$ ((30)) 10
101 - 200 AMP -	\$ 40	\$ 60	\$ ((30)) 15
201 - 400 AMP -	\$ 55	\$100	\$ ((50)) 25
401 - 600 AMP -	\$ 70	\$140	\$ ((70)) 35
601 - 1000 AMP -	\$ 85	\$180	\$ ((90)) 45
1001 - Over AMP -	\$100	\$220	\$((+10)) 55
Two family dwelling	\$ 50		
Temporary Construction Service	\$ ((30)) 25		

No additional fee for inspection of branch circuits when included on the service/feeder permit.

- Column A - Residential
  - Single family residential services.
  - Multi family residential services.
- Column B - Commercial and industrial
  - Each service or the first feeder when the service is not being installed, increased or altered.
  - Feeders that terminate in a separate building.
  - Secondaries of transformers that have a capacity greater than 600 VA.
  - Each service or feeder that is over 600 volts.
- Column C - Additional feeders in commercial and industrial facilities
  - Each feeder inspected with a service or feeder in Column B at the same time and on the same permit.

(2) The following fees shall be provided for the inspection of each of the following units:

	Single/first Unit Column A	Additional Units Column B
a. Mobile home, modular home, or commercial coach service. (200 Amp. Max.)	25	((+*)) 5*
b. Mobile home feeder.	25	((+*)) 5*
c. Each lot for a recreational vehicle.	25	((+*)) 5*
d. Berth at a marina or dock.	25	((+*)) 5*

	Single/first Unit Column A	Additional Units Column B
e. Yard pole meter loops or similar isolated metering installations.	25	5 ((+*))
f. Outbuilding(s) on residential property((: 1. served by a 60 Ampere or larger feeder = 2. served by a circuit or a feeder less than 60 Amperes--))	25	5 ((+*))
g. Motors 10 HP or larger	25	5 ((+*))
h. Multi-family dwelling feeders	25	5 ((+*))
i. Signs	25	5 ((+*))

Column A The fee for inspection of a single unit or the first of several units when a service or feeder in (1)(A) or (1)(B) is not installed.

Column B The fee for inspection of additional units when they are inspected at the same time, at the same location and on the same permit as a unit in Column (1)(A), (1)(B), or (2)(A).

\*Total fee for inspection of one service and feeder for a mobile home when they are inspected at the same time is ((35.00)) \$30.00.

The above fees are in addition to master meter, mobile home park, recreational vehicle park, marina shore services and/or the main service(s).

(3) The fee for new circuits, circuit extensions, and circuit alterations where the service or feeder is not modified, shall be ((30)) \$25 for one to four circuits inspected at the same time on the same premises under a single permit plus \$1 for each additional circuit. The total fee shall be no greater than the fee for a new service of like ampacity.

(4) Low voltage systems. The fee for inspection of residential, burglar or fire alarm systems, and other Class 2, low voltage systems shall be \$25 ((for one to four circuits (zone) plus \$1 for each additional circuit (zone))). For commercial or industrial, Class 2, low voltage system installations, the minimum fee shall be \$25 for the control panel and up two to four circuits or zones plus \$5 for each additional circuit (zone).

(5) In addition to the service and feeder installation fees, the fee for inspecting each electrically driven irrigation machine is \$50 including tower and drive motors.

(6) The fee for emergency, standby, and resource recovery generators up to 50 KVA is \$25. The fee for a generator installation larger than 50 KVA, or that is the main source of power, is that for the applicable service in subsection (1) of this section.

(7) A firm, corporation or other entity which has a regularly employed electrical maintenance staff which is exempted from the requirement to have an electrician certificate of competency by RCW 19.28.610, may choose to purchase an annual electrical work permit rather than a work permit for each installation or alteration in accordance with this section. The following fee will entitle the purchaser to the number of inspections shown for a one year period after the date of purchase of an electrical work permit.

	FEE	INSPECTIONS
1 thru 3 plant electricians	\$1,300 per year	12
4 thru 6 plant electricians	\$2,600 per year	24
7 thru 12 plant electricians	\$3,900 per year	36
13 thru 25 plant electricians	\$5,200 per year	52
more than 25 plant electricians	\$6,500 per year	52

(8) Fees for carnival electrical inspections.  
 a. Preseason inspection, \$40 per hour.  
 b. The first field inspection of each ride, concession, or generator which has not had a preseason inspection shall be \$10.  
 c. For subsequent inspections, the fee shall be \$40 for the first ten rides, concessions, or generators, and \$2 each for all additional rides, concessions, and generators. If a ride, concession, or generator has no insignia of inspection for the calendar year, the fee for that ride, concession, or generator shall be that charged in b. of this subsection.

((+\*)) (9) Trip fees. A fee of \$25 shall be paid before approval of the installation if the following services are necessary:  
 a. Requests to inspect existing installations. After the first one half hour, an additional \$25 fee shall be provided for each one half hour of inspection time.

- b. Trips to inspect when the permit submitter has given notice to the inspector that the work is ready for inspection when it is not.
- c. An additional inspection trip is necessary because the submitter has given an erroneous or incomplete address.
- d. More than one additional inspection trip per permit to inspect corrections required by the inspector as a result of carelessness or neglect, or for improperly responding to a corrective notice.
- e. Each trip necessary to remove a noncompliance citation from the jobsite, posted because unlicensed electrical contractors or uncertified electricians or trainees were working on the jobsite.
- f. When corrections have not been made in the prescribed time, unless an exception has been requested and granted.

((9)) (10) Double fees. A double inspection fee shall be charged for:

- a. Installations that are covered or concealed before inspection;
- b. Failure to obtain the electrical work permit prior to beginning the installation or alteration. Exception - emergency repairs to existing electrical systems.

((10)) (11) On jobs requiring partial or progress inspections, "one" inspection of one half hour duration is allowed per \$25 of fee.

((11)) (12) The fee for a plan review request pursuant to WAC 296-46-140 (1) and (2) is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a fee of \$35. The fee for review of electrical plans voluntarily requested pursuant to WAC 296-46-140(4) and for supplemental submissions of plans is \$30 per hour or a fraction of an hour.

**AMENDATORY SECTION** (Amending Order 86-23, filed 8/29/86)

WAC 296-46-920 CIVIL PENALTY. A person, firm, partnership, corporation or other entity that violates a provision of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC is liable for a civil penalty based upon the following schedule.

(1) Offering to perform, submitting a bid for, installing or maintaining conductors or equipment that convey or utilize electrical current without having an unexpired, unrevoked and unsuspended electrical contractor license.	First offense: \$ 500 Second offense: \$ 1,000 Third offense: \$ 3,000 Each offense thereafter: \$ 5,000
(2) Employing an individual for the purposes of RCW 19.28.510 through 19.28.620 who does not possess a valid certificate of competency or training certificate.	First offense: \$ 50 Second offense: \$ 100 Each offense thereafter: \$ 250
(3) Working as an electrician or electrical trainee in the electrical construction trade without having a valid certificate of competency or electrical training certificate.	First offense: \$ 50 Second offense: \$ 100 Each offense thereafter: \$ 250
(4) Employing electricians and trainees in an improper ratio.	First offense: \$ 50 Second offense: \$ 100 Each additional offense: \$ 250
(5) Failing to provide supervision to an electrical trainee as required by RCW 19.28.510.	First offense: \$ 50 Second offense: \$ 100 Each additional offense: \$ 250
<del>(6) ((Working as an electrical trainee without proper supervision as required by RCW 19.28.510.</del>	<del>First offense: \$ 50 Second offense: \$ 100 Each additional offense: \$ 250</del>
((7)) Performing electrical installations, alterations or maintenance outside the scope of the firm's specialty electrical contractors license.	First offense: \$ ((500)) 250 Second offense: \$ ((1,000)) 500 Each additional offense: \$ ((3,000)) 1,000
((8)) (7) Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which is not listed and labeled by an approved electrical testing laboratory.	First offense: \$ 500 Second offense: \$ 1,000 Each additional offense: \$ 2,000

Definition: The sale or exchange of electrical components associated with hot tubs, spas, swimming pools or hydromassage bathtubs means: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

((9)) (8) Violating any of the provisions of chapter 19.28 RCW or chapters 296-46 or 296-401 WAC which are not identified in subsections (1) through ((10)) (7) of this section.	First offense: \$ 50 Second offense: \$ 100 Each additional offense: \$ 250
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((10)) (9) Each day that a violation occurs will be a separate offense. A violation will be a "second" or "additional" offense only if it occurs within one year from the first violation.

((11)) (10) In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW, the department may double the penalty amounts shown in subsections (1) through ((12)) (7) of this section.

**AMENDATORY SECTION** (Amending Order 86-23, filed 8/29/86)

WAC 296-46-940 ELECTRICAL CONTRACTOR LICENSE.

(1) The department shall issue an electrical contractor license to a person, firm, partnership, corporation or other entity that complies with RCW 19.28.120 which shall expire twenty-four months following the date of issue. The department may issue an electrical contractor license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor licenses which expire each month. The department shall prorate the electrical contractor license fee according to the number of months in the license period. All subsequent licenses shall be issued for a twenty-four month period.

(2) Cash or securities deposit release. A cash or security deposit which has been filed with the department in lieu of a surety bond, shall not be released until one year after the date the electrical contractor notifies the department in writing, that the person, firm, partnership, corporation, or other entity who (which) has been issued the electrical contractor license, has ceased to do business in the state of Washington.

(3) Electrical contractor joint venture. A joint venture by one or more contractors for the purpose of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electrical current shall be deemed to be licensed as an electrical contractor in compliance with RCW 19.28-120, only if one or more of the parties to the joint venture has a current unexpired, unrevoked and unsuspended electrical contractor license which has been issued by the department and the joint venture has filed written notice with the department.

The department shall be notified in writing of the joint venture within ten days of the effective date of the joint venture agreement. The notice shall clearly indicate all the parties to the joint venture and shall identify the managing partner who is responsible for complying with all requirements of chapter 19.28 RCW (Electricians and electrical installations), and this chapter. The department shall also be notified within ten days of the termination of the joint venture.

**WSR 87-06-048**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Health)**  
[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning certificate of need, amending chapter 248-19 WAC;

that the agency will at 10:00 a.m., Tuesday, April 7, 1987, in the Auditorium, OB2, Olympia, conduct a public hearing on the proposed rules.



The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 8, 1987.

The authority under which these rules are proposed is RCW 70.38.115.

The specific statute these rules are intended to implement is chapter 70.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 7, 1987.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Leslie F. James, Director  
Administrative Services  
Department of Social and Health Services  
Mailstop OB 39  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by March 24, 1987. The meeting site is in a location which is barrier free.

Dated: March 3, 1987

By: Leslie F. James, Director  
Administrative Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending chapter 248-19 WAC.

Purpose of the Rule Changes: To modify project review procedures, and to repeal the notification of intent to acquire requirement for existing health care facilities.

Reason(s) These Rules are Necessary: To improve project review procedures.

Statutory Authority: RCW 70.38.115.

Summary of Rule Changes: WAC 248-19-230 Applicability of chapter 248-19 WAC, repeal requirement of prior notification of the intent to acquire existing health care facilities; 248-19-270 Letter of intent, change in requirements for letters of intent, change in criteria for determining projects subject to concurrent review, and housekeeping amendments on the process for applications subject to regular, expedited and emergency review; 248-19-327 Concurrent review process, changes in this section amend procedures for the comparative review of nursing home bed projects, defines projects to be reviewed under concurrent review process, describes procedures for the concurrent review process, and repeals obsolete language; and 248-19-328 Nursing home concurrent review cycles, a new section which establishes three review cycles to review nursing home bed projects, defines the types of nursing home bed projects subject to the review cycles, establishes definitions of categories of continuing care retirement communities, and creates an annual concurrent review consisting of three staggered review cycles based upon geographic area to be served.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Frank Chestnut, Director, Certificate of Need Program, phone 753-5854, mailstop OB-37.

The amendments to WAC 248-19-230 are necessary as a result of the repeal of Title XV of the Public Health Service Act effective December 31, 1986.

#### AMENDATORY SECTION (Amending Order 2344, filed 2/28/86)

WAC 248-19-230 APPLICABILITY OF CHAPTER 248-19 WAC. (1) The following undertakings shall be subject to the provisions of chapter 248-19 WAC, with the exceptions provided for in this section.

(a) The construction, development, or other establishment of a new health care facility.

(b) Any capital expenditure by or on behalf of a health care facility which substantially changes the services of the facility.

(i) The specific services subject to review under this subsection are limited to:

(A) Air ambulance services licensed under chapter 18.73 RCW including a change between fixed wing and rotor aircraft. This includes, but is not limited to, acquisition of aircraft or construction of landing facilities.

(B) Land ambulance services licensed under chapter 18.73 RCW.

(C) Brain electrical activity mapping.

(D) Burn services meaning a portion of an acute care facility equipped, organized, and assigned the function of the complete care, including rehabilitation, of persons suffering from a burn injury.

(E) Cardiac catheterization.

(F) Extracorporeal shock wave lithotripsy/extracorporeal pressure wave lithotripsy.

(G) Inpatient psychiatric services.

(H) Level II inpatient rehabilitation service Patients treated in a Level II service should have moderate to severe impairment in two or more functional areas. Disability is frequently permanent and requires adjustment in lifestyle through intervention of at least two rehabilitation disciplines. Patients are treated in a separate unit, wing, or section staffed by nurses with specialized training and/or experience in rehabilitation. Care is provided by a rehabilitation team consisting of at least a rehabilitation nurse and physical, occupational, and speech therapists and headed by either a physiatrist or a physician with specialized training and/or experience in rehabilitation medicine. These services must have access to social, psychological, and/or prosthetic-orthotic services.

(I) Level III inpatient rehabilitation service. Level III rehabilitation services are those services for persons with usually nonreversible, multiple functional impairments or a moderate-to-severe complexity resulting in major changes in patient's lifestyle and require intervention by several rehabilitation disciplines. Services are provided by a multidisciplinary team, including those listed in subsection (1)(b)(i)(H) of this section and vocational counseling and managed by a physiatrist. The service is provided in a dedicated unit with a separate nurses' station staffed by nurses with specialized training and/or experience in rehabilitation nursing. While the service may specialize (i.e., spinal cord injury, severe head trauma, etc.), it is able to treat all persons within the designated diagnostic specialization regardless of level of severity or complexity of the impairments.

(J) Basic inpatient pediatric services. These are services for uncomplicated pediatric cases and for pediatric cases requiring specialized equipment and personnel with specialty, but not subspecialty, skills and training. These services are not provided in a separate unit, but are in designated pediatric beds distinct from medical/surgical beds.

(K) Specialized inpatient pediatric services. These are services for complex pediatric cases requiring specialized equipment as well as specialty and subspecialty personnel. These services are not provided in a separate unit, but are in designated pediatric units with a separate nurses' station.

(L) Magnetic resonance imaging((~~nuclear magnetic resonance~~)).

(M) Intensive care neonatal services.

(N) Level I obstetrics services. This service provides services primarily for uncomplicated services.

(O) Level II obstetrics services when a hospital does not already provide Level I obstetrics services. A Level II service provides a full range of maternal and neonatal services for uncomplicated patients. Level II units will also provide a full range of services for the majority of complicated obstetrical problems and certain neonatal illnesses. They will have a highly trained multidisciplinary staff.

(P) Level III obstetrics services. Level III obstetrics services are provided to those few women and infants requiring full intensive care

services for the most serious type of maternal-fetal and neonatal illnesses and abnormalities. Such a service provides the coordination of care, communications, transfer, and transportation for a given region experiencing eight thousand to twelve thousand deliveries yearly. Level III services provide leadership in preparatory and continuing education in prenatal and perinatal care and may be involved in clinical and basic research.

(Q) Open-heart surgery.  
 (R) Heart transplantation service.  
 (S) Liver transplantation service.  
 (T) Solid organ transplantation other than heart and liver transplantation.

(U) Positron emission tomography.

(V) Megavoltage radiation therapy.

(W) End-stage renal dialysis.

(ii) The services listed in subsection (1)(b)(i) of this section are subject to review under any one of the following circumstances:

(A) The service was not offered on a regular basis within the twelve-month period prior to the time the service is proposed to be offered.

(B) An existing service is proposed to be terminated.

(C) A service is proposed to be offered at another health care facility, whether or not the service is currently offered at one or more existing sites, or an end-stage renal dialysis service is proposed to be offered at a new site.

(D) An increase in the number of rooms, suites, or stations used for cardiac catheterization, open-heart surgery, and end-stage renal dialysis.

(E) A change from a mobile to a fixed base service.

(F) The establishment of a new or different landing site for an air ambulance service.

(iii) The department shall review and periodically revise and update these coverage provisions. This shall be done through the adoption of rules and may be done on an emergency basis.

(c) Any capital expenditure by or on behalf of a health care facility exceeding the expenditure minimum as defined by WAC 248-19-220(18). The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort and consulting and other services which under generally accepted accounting principles are not properly chargeable as an expense of operation and maintenance) essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure. Functional programming and general long-range planning activities, including marketing surveys and feasibility studies, are not to be included when determining whether an expenditure exceeds the expenditure minimum.

(d) A change in bed capacity of a licensed health care facility which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months.

(e) The obligation of any capital expenditure by or on behalf of a health care facility not required to be licensed for a change in bed capacity which increases the total number of beds, or redistributes beds among various categories, by more than ten beds or more than ten percent of total bed capacity as determined by the department, whichever is less, over a two-year period.

(f) Acquisition of major medical equipment:

(i) If the equipment will be owned by or located in ~~((an inpatient))~~ a health care facility; or

(ii) If the equipment is not to be owned by or located in a health care facility and the department finds, consistent with WAC 248-19-403, that:

(A) The equipment will be used to provide services for inpatients of a hospital on other than a temporary basis in the case of a natural disaster, a major accident, or equipment failure; or

(B) The person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements<sup>2</sup> for such acquisition.

(g) The sale, purchase, or lease of part or all of an existing hospital as defined in RCW 70.39.020. ~~((The acquisition of an existing health care facility other than a hospital which the department has determined, in accordance with the provisions of subsection (2) of this section, is subject to review.))~~

(h) Any new institutional health services which are offered by or on behalf of a health care facility and which were not offered on a regular

basis by or on behalf of such health care facility within the twelve-month period prior to the time such services would be offered.

(i) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under this subsection and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings and specifications.

(j) The obligation of any capital expenditure by or on behalf of a health care facility which decreases the total number of licensed beds or relocates beds from one physical facility or site to another by ten beds or ten percent, whichever is less, in any two-year period.

(k) Any acquisition by donation, lease, transfer, or comparable arrangement, by or on behalf of a health care facility, if the acquisition would otherwise be reviewable under chapter 248-19 WAC if made by purchase.

~~(2) ((The following provisions apply to the acquisition of existing health care facilities other than hospitals. At least thirty days before any person acquires or enters into a contract<sup>2</sup> to acquire an existing health care facility, the person shall provide written notification to the department and the appropriate regional health council, and in the case of a hospital, the hospital commission, or the person's intent to acquire the facility:~~

~~(a) Written notification on intent, to be considered valid, shall be made in a form and manner acceptable to the secretary's designee and shall include:~~

~~(i) The name and address of the health care facility to be acquired;~~

~~(ii) The name and address of the person intending to acquire the health care facility;~~

~~(iii) A description of the means by which the health care facility would be acquired, including the total capital expenditure associated with the acquisition, and the intended date of incurring the contractual obligation to acquire the health care facility;~~

~~(iv) The name and address of the person from whom the facility is to be acquired; and~~

~~(v) A description of any changes in institutional health services or bed capacity proposed by the person acquiring the health care facility;~~

~~(b) A certificate of need shall be required for the obligation of a capital expenditure to acquire by purchase, or under lease or comparable arrangement, an existing health care facility if:~~

~~(i) A written notification of intent to acquire an existing health care facility is not provided in accordance with WAC 248-19-230(2); or~~

~~(ii) The department finds within fifteen working days after receipt of a written notification to acquire a health care facility that the services or bed capacity of the facility will be changed in being acquired;~~

~~(c) Within fifteen working days after receipt of a written notification of intent, the department shall send written notice to the person intending to acquire the health care facility, indicating:~~

~~(i) Whether the written notification constitutes a valid notification, as prescribed in subsection (2)(a) of this section and, if such notification is valid;~~

~~(ii) Whether such acquisition is subject to certificate of need review;~~

~~(d) If the department fails to make a determination within thirty days after receipt of a valid notice, the health care facility may be acquired without a certificate of need;~~

~~(3))~~ With respect to ambulatory care facilities and inpatient health care facilities controlled (directly or indirectly) by a health maintenance organization or combination of health maintenance organizations, the provisions of chapter 248-19 WAC shall apply only to the offering inpatient institutional health services, the acquisition of major medical equipment, and the obligation of capital expenditures for the offering of inpatient institutional health services, and then only to the extent that such offering, acquisition, or obligation is not exempt under the provisions of WAC 248-19-405.

~~((4))~~ (3) The extension, on a regular and ongoing basis, of the services of a home health agency or a hospice to a population residing in a county not previously regularly included in the service area of that home health agency or hospice during the preceding twelve months constitutes extension of home health services or hospice services beyond a defined geographic area and shall be considered the development or establishment of a new home health agency or hospice.

~~((5))~~ (4) Any change in the number of dialysis stations in a kidney disease treatment center shall be considered to be a change in bed capacity of a health care facility.

~~((6))~~ (5) No person shall engage in any undertaking subject to certificate of need review under the provisions of this chapter unless a certificate of need authorizing such undertaking has been issued and

remains valid or an exemption has been granted in accordance with the provisions of this chapter.

~~((7))~~ (6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

~~((8))~~ (7) The department may issue certificates of need permitting predevelopment expenditures only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.

~~((9))~~ (8) A certificate of need application, the review of which had begun but upon which final action had not been taken prior to July 24, 1983, shall be reviewed and final action taken based on chapter 70.38 RCW and chapter 248-19 WAC as in effect prior to July 24, 1983.

~~((10))~~ (9) The provision of hospice services by an entity providing the services described in the definition of "hospice" in WAC 248-19-220, when such an entity was providing services as of July 24, 1983, shall not be considered the establishment of a new health care facility or service. Persons providing hospice services as of July 24, 1983, shall submit information prescribed by the department showing they were providing hospice services as of that date and showing the services provided and the county or counties comprising the service area.

~~((11))~~ (10) Any capital expenditure in excess of the expenditure minimum not otherwise subject to certificate of need review under subsection (1)(a), (b), (d), (e), (f), or (h) of this section, solely for any one or more of following and which does not substantially affect patient charges as determined by the department based on information provided by the applicant, is exempt from certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance:

- (a) Communications and parking facilities;
- (b) Mechanical, electrical, ventilation, heating, and air conditioning systems;
- (c) Energy conservation systems;
- (d) Repairs to, or the correction of, deficiencies in existing physical plant facilities necessary to maintain state licensure;
- (e) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;
- (f) Construction, involving physical plant facilities, including administrative and support facilities, which are not and will not be used for the provision of health services;
- (g) Acquisition of land; and
- (h) Refinancing of existing debt.

**NOTE:**

<sup>1</sup>Where a hospital is part of a larger institution, such as a university, the components of the larger institution (e.g., a component conducting medical research) not related to the hospital will not be considered part of the hospital, whether or not the hospital is a distinct legal entity. Similarly, when there is a legal entity, the primary activity of which is operating a hospital, but which also operates a distinct research component, the research component will not be considered part of the hospital. In these cases, the component conducting medical research that is distinct from the hospital and that neither provides inpatient services nor uses revenues derived from patient charges at the hospital to finance its operation will not be considered part of the hospital.

Further, expenditures by a component of a larger institution, such as a university, which is distinct from a separate health care facility component, such as the university's hospital, will not be viewed as being "by a health care facility." Thus, a capital expenditure by a university medical school that is a distinct component of the university will not be considered to be "by" the hospital of the university. In finding that the medical school is distinct, the department must find at least that the revenues derived from patient charges at the hospital of the university are not used for operating expenses of the medical school.

If a capital expenditure exceeds the expenditure minimum, for it to be required to be subject to review, the department must find that it is "on behalf of" a health care facility. Such an expenditure is also required to be subject to review if it is for the acquisition of major medical equipment and meets the conditions set forth in WAC 248-19-230 (1)(f). The same analysis would apply to the distinct research component of a legal entity, the primary activity of which is operating a hospital.

<sup>2</sup>A person may enter into a contractual arrangement at an earlier date, provided such contractual arrangement is contingent upon a determination by the department that a certificate of need is not needed or upon issuance of a certificate of need.

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order 2344, filed 2/28/86)

WAC 248-19-270 LETTER OF INTENT. (1) Any person planning to propose an undertaking subject to certificate of need review ~~((except for projects which would qualify for an emergency review under the provisions of WAC 248-19-300 (2)(a);))~~ shall submit a letter of intent ~~((in accordance with the following provisions))~~ as follows:

~~((1))~~ General:

(a) A copy of the letter of intent shall include the following information:

- (i) A description of the extent of the services proposed;
- (ii) The estimated cost of the proposed project;
- (iii) A description of the service area.

(b) Any person planning to propose an undertaking subject to certificate of need review ((A copy of the letter of intent)) shall ((be sent)) send simultaneously a copy of the letter of intent to the regional health council, if any, for the health service area in which the project is to be located and, in the case of a hospital project, to the hospital commission.

(c) The letter of intent ((submitted in accordance with this section does)) shall not constitute "notice of intent" with respect ((to the acquisition of existing health care facilities, as required by WAC 248-19-230(2) or) to the acquisition of major medical equipment, as required by WAC 248-19-403.

(2) Expedited or regular review. Any person proposing an undertaking subject to an expedited or regular review shall submit a letter of intent at least thirty days prior to the submission of the application.

(3) Concurrent review.

(a) Any person proposing undertakings ((for which a) subject to concurrent review ((schedule has been established according to WAC 248-19-327)) shall submit a letter of intent ((in accordance with) according to the applicable schedule as ((published)) listed in WAC ((248-19-327)) 248-19-328. ((Applications for projects subject to concurrent review will not be processed unless a letter of intent has been submitted in accordance with the schedule published by the department:))

(b) Within thirty days following the ((date)) last day ((on which)) of the ((letters)) letter of intent submittal period ((must be received)), the department, after consultation with the advisory review agencies, shall determine which of the proposed undertakings compete with ((another)) other proposed ((undertaking)) undertakings. ((To be considered competing, a proposed undertaking must meet at least one of the following criteria:

(i) ~~Nursing home bed additions—The) Two or more undertakings within the same concurrent review cycle shall be competing when the proposed nursing home beds would be located in the same county or nursing home planning area, or the undertakings propose ((are applying for)) nursing home beds to be allocated from the same statewide bed pool as defined in WAC 248-19-373.~~

((ii) Other — Criteria to determine which undertaking will be considered competing will be developed and published in rule when a concurrent review is published:))

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 2344, filed 2/28/86)

WAC 248-19-327 CONCURRENT REVIEW PROCESS. (1) Projects for which the department may ~~((publish))~~ establish concurrent review schedules are identified in RCW 70.38.115(7). ~~((A))~~ An annual concurrent review has been scheduled for competing projects proposing:

(a) New nursing homes(;;);

(b) Nursing home bed additions(;;);

(c) The redistribution of ((acute care)) beds from the following facility and service categories to ((skilled)) nursing ((care)) home beds ((or intermediate care beds:);

(i) Acute care,

(ii) Boarding home, or

(iii) Intermediate care for the mentally retarded; and

(d) The relocation of nursing home beds from one county or nursing home planning area to another county or nursing home planning area.

(2) ~~((Time schedules for submission of applications subject to concurrent review.))~~ Procedures for the concurrent review process shall be as follows:

(a) ~~((The department, in cooperation with the advisory review agencies, shall prescribe particular time schedules for the submission and concurrent review of certificate of need applications for selected types of projects within a given area. Such time schedules shall be for the purpose of comparative analysis of competing or similar projects.))~~ Submittal of initial applications.

(i) Each applicant shall submit simultaneously copies of the application to each reviewing agency.

(ii) Each applicant if requested in writing shall provide a copy of his/her application to the applicant of each other competing application.

(b) ~~((Time schedules for projects subject to concurrent review shall be published in rule))~~ Screening of the initial applications.

(i) The department and the appropriate advisory agencies shall screen each initial application during the screening period of the applicable concurrent review cycle schedule.

(ii) The screening period shall begin on last day of the initial application submittal period for the applicable concurrent review cycle schedule.

(iii) The department by the end of the screening period of the applicable concurrent review cycle schedule shall send a written request for supplemental information to each applicant.

(iv) Each applicant by the end of the final application submittal period shall respond to the department's written request for supplemental information in one of the following ways:

(A) Submitting the requested written supplemental information; or

(B) Submitting a written request that the incomplete application be reviewed without supplemental information.

(c) ~~((When a new concurrent review schedule is published there shall be no more than four months between the publishing of the concurrent review schedule and the date initial applications are due))~~ Re-viewing of final applications.

(i) The total number of days in the advisory and final review periods shall not exceed one hundred and thirty-five, unless extended in accordance with subsection (2)(d) of this section.

(ii) Each concurrent review shall begin on the date prescribed in the applicable concurrent review cycle schedule.

(iii) The appropriate advisory review agencies shall submit written findings and recommendations on each competing application to the department within ninety days from the beginning of the advisory review period, unless the advisory review period is extended in accordance with subsection (2)(d) of this section.

(iv) The department shall conclude its final review and the secretary's designee shall take action on a certificate of need application within forty-five days after the end of the advisory agencies' review period, unless extended in accordance with subsection (2)(d) of this section.

(d) ~~((Review schedules for concurrent review shall provide for at least an annual review for a given project type within each service area))~~ Extending review of final applications.

(i) The advisory review period shall be extended in accordance with the provisions of WAC 248-19-295(6).

(ii) The final review period may be extended by the department under the following provisions:

(A) The department informs each applicant of the competing applications of the existence of an unresolved pivotal issue.

(B) The department may make a written request for additional information from one or more of the applicants of the competing applications.

(C) The department shall specify in the written request a deadline for receipt of written responses.

(D) Each applicant receiving such written request may provide a written response within the specified deadline.

(E) The department may extend the final review period for all competing applications up to thirty days after the receipt of the last response to the department's request for additional information or after the specified deadline, whichever occurs first.

~~((3) The concurrent review shall not exceed one hundred thirty-five days from the beginning of the review period unless it is extended in accordance with WAC 248-19-295.~~

(a) Applications subject to the nursing home concurrent review shall be submitted as follows:

(i) Deadlines are the first working day of the month.

(ii) Letter of intent - June.

(iii) Initial application - August.

(iv) Screening of applications - September.

~~(v) Submission of final applications and beginning of review - October.~~

(b) Applications subject to concurrent review shall be submitted to reviewing agencies in accordance with the provisions of WAC 248-19-280(1). Each applicant shall provide the other competing applicant or applicants with a copy or copies of the application if requested in writing.

(c) The department and the appropriate advisory review agencies shall screen the initial application within one month to determine whether the information provided in the application is complete and as explicit as necessary for certificate of need review. The screening period shall begin on the first working day after the end of period for submission of the initial application published by the department.

(d) Within one month after the department sends the request for supplemental information, the applicant shall exercise one of the following which will constitute submission of the final application:

(i) Submission of the requested written supplemental information; or

(ii) Submission of a written request that the incomplete application be reviewed without supplemental information.

(e) The concurrent review shall begin within fifteen days after the published date for submission of final applications.

(f) Within ninety days from the first day of the review period, the appropriate advisory agencies shall submit written findings and recommendations on a certificate of need application to the department unless the review period has been extended according to the provisions in subsection (4) of this section.

(g) The department shall conclude its final review and the secretary's designee shall take action on a certificate of need application within forty-five days after the end of the advisory agencies' review period unless extended according to the provisions of subsection (4) of this section.

(4) The review period for a concurrent review may be extended according to the following provisions:

(a) When an applicant amends an application, the review period shall be extended in accordance with the provisions of WAC 248-19-295.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from one or more of the applicants reviewed concurrently. The request shall specify a deadline by which an applicant or applicants shall respond. The department may extend the final review period for all applications being reviewed concurrently up to, but not exceeding, thirty days after the receipt of the response or responses of the applicant or applicants to the department's request for information or after the specified deadline for response.)

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

WAC 248-19-328 NURSING HOME CONCURRENT REVIEW CYCLES. (1) The following undertakings shall be reviewed concurrently under review cycles established under subsection (4)(c) of this section:

(a) New nursing homes;

(b) Nursing home bed additions; or

(c) Redistribution of beds from any of the following facility or service categories to nursing home beds:

(i) Acute care,

(ii) Boarding home care, or

(iii) Intermediate care for the mentally retarded.

(2) HOWEVER, undertakings of type "A" continuing care retirement communities (CCRC) as defined in subsection (3)(b)(i) of this section which meet the conditions in subsections of (2)(a) and (2)(b)

of this section shall be reviewed under the regular review process per WAC 248-19-330.

(a) The number of nursing home beds requested in a single undertaking shall not exceed sixty; and

(b) After project completion the number of nursing home beds including those with which the CCRC contracts shall not exceed one bed for each four independent living units within the CCRC. In computing this ratio only independent living units of the CCRC which already exist or are scheduled for completion at the same time as the proposed nursing home beds, under the same financial feasibility plan, shall be counted.

(3) For purposes of this section the following definitions shall be used:

(a) A "continuing care contract" means a contract to provide a person, for the duration of the person's life or for a term in excess of one year, shelter along with nursing, medical, health-related or personal care services, in exchange for payment of an entrance fee, periodic charges, or both. Continuing care contracts include, but are not limited to, life care agreements and mutually terminable contracts. The living space and services under a continuing care contract may or may not be provided at the same location.

(b) A "continuing care retirement community" (CCRC) is any of a variety of entities providing shelter and services based on continuing care contracts with its enrollees. CCRCs are categorized as follows:

(i) "Type A CCRC" means a CCRC which provides its enrollees or residents with a contractually guaranteed range of services from independent living through nursing home care, including some form of assistance with activities of daily living and unrestricted nursing care without any limitations unrelated to medical need. With limited exceptions related to start-up periods, a type "A" CCRC offers services only to contractual enrollees. The enrollee's financial responsibility is stated in the contract, with the CCRC responsible for remaining costs. With the exception of insurance purchased by the CCRC or its enrollees, no third party - including, after a limited transition or start-up period, the Medicaid program - is liable for costs of care, even if the member depletes his/her personal resources.

(ii) "Type B CCRC" means a CCRC which does not meet all the requirements of type "A" CCRCs, but does provide nursing home care or other facilities or services. A typical example would be a CCRC which operates an on-site nursing home, but contractually guarantees only a limited number of days of nursing home care, after which additional payment is required of the enrollee. Many type "B" CCRCs have nursing home units which maintain Medicaid contracts and/or admit patients who are not CCRC enrollees.

(c) An "Enrollee," of a CCRC, means an individual who has signed a continuing care contract with the CCRC.

(d) "Transition period" means a period of time, not exceeding five years, between the date an enrollee becomes the first resident of a type "A" CCRC and the date that it fully meets the requirements of a type "A" CCRC as contained in the current state health plan.

(4) The annual concurrent review consists of three cycles. One of the three annual cycles is reserved for the review of competing applications submitted by or on behalf of type "A" and type "B" CCRCs which are applying for nursing home beds available from the one hundred and twenty bed statewide pool as described in WAC 248-19-373. Two other cycles are for review of competing applications for nursing home beds needed in half of the counties or nursing home planning areas.

(a) Applications shall be filed with the department no later than the last day prescribed in the schedule for each of the concurrent review cycles. The department shall not review any application for which a letter of intent as described in WAC 248-19-270 was not filed at least thirty days before the last day for submittal of initial applications as indicated below.

(b) The department shall begin screening all applications received during the initial application submittal period shall on the first working day following the close of the submittal period. Applications filed after the last day of the initial application submittal period will be returned to the applicant.

(c) The schedules for the three annual nursing home bed concurrent review cycles shall be as follows:

(i) For competing applications by or on behalf of type "A" and type "B" CCRCs which are applying for nursing home beds to be allocated from the one hundred and twenty bed statewide pool as described in WAC 148-19-373, the concurrent review cycle schedule shall be as follows:

(A) Period for submittal of letters of intent - the first working day of June to the first working day of August.

(B) End of initial application submittal period - the first working day of September.

(C) End of initial application completeness screening period - the first working day of October.

(D) End of final application submittal period - the first working day of November.

(E) Beginning of concurrent review period - November 16th or first working day after that date.

(ii) For competing applications submitted for nursing home beds available for the Adams, Chelan, Clallam, Clark/Skamania, Cowlitz, Douglas, Grant, Grays Harbor, Island excluding Camano, Jefferson, King, Kittitas, Lincoln, Okanogan, Pacific, San Juan, Spokane, and Yakima counties or nursing home planning areas, the concurrent review cycle schedule shall be as follows:

(A) Period for submittal of letters of intent - the first working day of July to the first working day of September.

(B) End of initial application submittal period - the first working day of October.

(C) End of initial application completeness screening period - the first working day of November.

(D) End of final application submittal period - the first working day of December.

(E) Beginning of concurrent review period - December 16th or first working day after that date.

(iii) For competing applications submitted for nursing home beds available from the Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Kitsap, Klickitat, Lewis, Mason, Pend Orielle, Pierce, Snohomish including Camano, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Whitman counties or nursing home planning areas, the concurrent review cycle schedule shall be as follows:

(A) Period for submittal of letters of intent - the first working day of August to the first working day of October.

(B) End of initial application submittal period - the first working day of November.

(C) End of initial application completeness screening period - the first working day of December.

(D) End of final application submittal period - the first working day of January.

(E) Beginning of concurrent review period - January 16th or first working day after that date.

**Reviser's note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

## WSR 87-06-049

### PROPOSED RULES

### INSURANCE COMMISSIONER

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning standards for life reinsurance agreements and accounting procedures to assure that financial statements of life insurers accurately reflect the financial condition of the ceding insurer and properly credit reserves;

that the agency will at 10:00 a.m., Wednesday, April 15, 1987, in the Conference Room, Office of the Insurance Commissioner, Insurance Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 20, 1987,

in the Insurance Commissioner's Office, Olympia, Washington, at 10:00 a.m.

The authority under which these rules are proposed is RCW 48.02.060 (3)(a).

The specific statute these rules are intended to implement is RCW 48.05.300, 48.30.030, 48.12.010(8), 48.12.160, 48.05.140 and 48.12.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 15, 1987. Mailing address: Insurance Building, AQ-21, Olympia, WA 98504.

Dated: March 4, 1987

By: Melodie Bankers  
Deputy Insurance Commissioner

#### STATEMENT OF PURPOSE

Title: WAC 284-13-110 through 284-13-150, proposing requirements to be met by life insurers with respect to reinsurance treaties and agreements.

The statutory authority for the proposed rule is RCW 48.02.060 (3)(a) to effectuate the following statutes: RCW 48.05.300 and 48.30.030 relating to financial statements of insurers, by avoiding distorted financial statements which do not properly reflect the financial condition of the ceding life insurer; RCW 48.12.010(8) and 48.12.160 by assuring that reinsurance reserves are properly credited; RCW 48.05.140 by preventing situations involving reinsurance that may be hazardous to policyholders and the people of this state; and RCW 48.12.030 by adding standards to be met relative to reserves and the financial condition of insurers.

The rules will become effective thirty days after filing and will phase in with respect to existing treaties so that there will be general application to all companies by December 31, 1988.

These rules are based on the life reinsurance model regulation adopted by the National Association of Insurance Commissioners in December of 1986. The rules are necessary because while insurers routinely enter into reinsurance agreements that yield legitimate relief to the ceding insurer from strain to surplus, some life insurers, in the capacity of ceding insurer, have at times entered into reinsurance agreements, for the principal purpose of producing significant surplus aid for the ceding insurer, which provide little or no indemnification of policy benefits by the reinsurer.

The rule is set out as follows: Purpose of the regulation; to whom it applies; accounting requirements and a listing of unacceptable life reinsurance treaty conditions; requirement that life reinsurance treaties or agreements be in writing and executed by both parties; requirement that letters of intent be executed within ninety days; and conditions for the phasing out of existing life reinsurance agreements by December 31, 1988.

It is the intent of the rule to provide useful guidelines to be followed by all domestic life insurers and all other life insurers authorized to do business in the state of Washington who are not subject to a substantially similar regulation in their domiciliary state without being unduly burdensome.

Melodie Bankers, Deputy Commissioner, (206) 586-3574, with the advice of Don Starovansnik, (206) 753-

7305, was directly responsible for the drafting of the proposed rules, under the supervision of Robert E. Johnson, Deputy Commissioner, (206) 753-2406. These proposed rules will be implemented and enforced by the company supervision division of the Insurance Commissioner's Office under the direct supervision of David H. Rodgers, Chief Deputy, (206) 753-7302. The address of each of the individuals named is Insurance Building, AQ-21, Olympia, Washington 98504.

These rules are proposed by Dick Marquardt, the insurance commissioner, a state public official.

These proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Statement: The proposed rules will have a minimal impact on insurers, large or small. The additional cost per employee or per hour of labor is estimated to be zero, whether the insurer has more or less than fifty employees. Some insurers may be required to change their procedures or their existing life reinsurance treaties or agreements, which may cause added expenses.

#### Chapter 284-13 WAC ASSETS—LIABILITIES—INVESTMENTS AND REINSURANCE

##### WAC

##### LIFE REINSURANCE AGREEMENTS

284-13-110	Purpose.
284-13-120	Scope.
284-13-130	Accounting requirements.
284-13-140	Written agreements.
284-13-150	Existing agreements.

##### LIFE REINSURANCE AGREEMENTS

##### NEW SECTION

WAC 284-13-110 PURPOSE. The purpose of WAC 284-13-110 through 284-13-150, is to set standards for life reinsurance agreements in order that the financial statements of life insurers properly reflect the financial condition of the ceding insurer and properly credit reserves.

##### NEW SECTION

WAC 284-13-120 SCOPE. WAC 284-13-110 through 284-13-150 shall apply to all domestic life insurers and to all other life insurers authorized to do business in the state of Washington who are not subject to a substantially similar regulation in their domiciliary state.

##### NEW SECTION

WAC 284-13-130 ACCOUNTING REQUIREMENTS. (1) No life insurer subject to this chapter shall, for reinsurance ceded, reduce any liability or establish or increase any asset in any financial statement filed with the commissioner if, by the terms of the reinsurance agreement, in substance or effect, any of the following conditions exist:

(a) The primary effect of the reinsurance agreement is to transfer deficiency reserves or excess interest reserves to the books of the reinsurer for a "risk charge" and the agreement does not provide for significant participation by the reinsurer in one or more of the following risks: Surrender, mortality, morbidity, or investment;

(b) The reserve credit taken by the ceding insurer is not in compliance with the insurance code or its regulations, including actuarial interpretations or standards adopted by the commissioner;

(c) The reserve credit taken by the ceding insurer is greater than the underlying reserve of the ceding company supporting the policy obligations transferred under the reinsurance agreement;

(d) The ceding insurer is required to reimburse the reinsurer for negative experience under the reinsurance agreement, except that neither offsetting refunds against prior years' losses nor payment by the

ceding insurer of an amount equal to prior years' losses upon voluntary termination of in-force reinsurance by that ceding insurer shall be considered such a reimbursement to the reinsurer for negative experience;

(e) The ceding insurer can be deprived of surplus at the reinsurer's option or automatically upon the occurrence of some event, such as the insolvency of the ceding insurer, except that termination of the reinsurance agreement by the reinsurer for nonpayment of reinsurance premiums shall not be considered to be such a deprivation of surplus;

(f) The ceding insurer must, at specific points in time scheduled in the agreement, terminate or automatically recapture all or part of the reinsurance ceded;

(g) No cash payment is due from the reinsurer, throughout the lifetime of the reinsurance agreement, with all settlements prior to the termination date of the agreement made only in a "reinsurance account," and no funds in such account are available for the payment of benefits; or

(h) The reinsurance agreement involves the possible payment by the ceding insurer to the reinsurer of amounts other than from income reasonably expected from the reinsured policies.

(2) Accounting procedures precluded by this chapter shall not be construed as a limitation on the authority of the commissioner to disapprove other procedures in accordance with RCW 48.12.030.

(3) Notwithstanding any other provision of this section, a life insurer subject to this chapter may, with the prior approval of the commissioner take such reserve credit as the commissioner may deem consistent with the insurance code or its regulations, including actuarial interpretations or standards adopted by the commissioner.

**NEW SECTION**

WAC 284-13-140 WRITTEN AGREEMENTS. (1) No reinsurance agreement or amendment to any agreement may be used to reduce any liability or to establish any asset in any financial statement filed with the commissioner, unless the agreement, amendment, or a letter of intent has been duly executed by both parties no later than the "as of date" of the financial statement.

(2) In the case of a letter of intent, a reinsurance agreement or an amendment to a reinsurance agreement must be executed within a reasonable period of time, not exceeding ninety days from the execution date of the letter of intent, in order for credit to be granted for the reinsurance ceded.

**NEW SECTION**

WAC 284-13-150 EXISTING AGREEMENTS. Life insurers subject to this chapter may continue to reduce liabilities or establish assets in financial statements filed with the commissioner for reinsurance ceded under unacceptable types of reinsurance agreements described in WAC 284-13-115 and 284-13-130, provided:

(1) The agreements were executed and in force prior to the effective date of this chapter;

(2) No new business is ceded under the agreements after the effective date of this chapter;

(3) The reduction of the liability reaches, or the asset established for the reinsurance ceded is reduced to, zero by December 31, 1988, or such later date approved by the commissioner as a result of an application made by the ceding insurer prior to December 31, 1987;

(4) The reduction of the liability or the establishment of the asset is otherwise permissible under all other applicable provisions of the insurance code or its regulations, including actuarial interpretations or standards adopted by the commissioner; and

(5) The commissioner is notified, within ninety days following the effective date of this chapter, of the existence of such reinsurance agreements and all corresponding credits taken in the ceding insurer's 1986 annual statement.

**WSR 87-06-050**

**ADOPTED RULES**

**DEPARTMENT OF LICENSING**

[Order PM 641—Filed March 4, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to the licensure of certified acupuncturists.

This action is taken pursuant to Notice No. WSR 87-01-087 filed with the code reviser on December 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.06.160 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 18.06 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 20, 1987.

By Theresa Anna Aragon  
Director

**AMENDATORY SECTION** (Amending Order PL 592, filed 5/5/86)

WAC 308-180-100 ACUPUNCTURE FEES. The following fees shall be ((charges)) charged by the professional licensing division of the department of licensing.

Application/examination	\$500.00
Re-take examination:	(((\$500.00))
<u>Written</u>	<u>\$200.00</u>
<u>Practical portion</u>	<u>\$300.00</u>
Annual license renewal	\$500.00
Late renewal penalty	\$500.00
Duplication license (reported to professional licensing division if lost or stolen)	(((\$ 50.00)) <u>\$ 5.00</u>
License verification (to other jurisdictions)	\$ 5.00
Acupuncture training program approval application	\$200.00

**NEW SECTION**

WAC 308-180-130 DEFINITIONS. For the purpose of administering chapter 18.06 RCW, the following terms shall be considered in the following manner:

(1) "Acupuncture school" is an academic institution which has the sole purpose of offering training in acupuncture.

(2) "Acupuncture program" is training in acupuncture offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(3) "Acupuncture apprenticeship" is training in acupuncture which is offered by a qualified acupuncture employer to an apprentice on the basis of an apprenticeship agreement between the employer and the apprentice. An apprenticeship is of limited duration and ceases at the time the parties to the apprenticeship agreement have performed their obligations under the agreement.

(4) "Acupuncture tutorial instruction" is training in acupuncture which is offered by an academic institution

or qualified instructor on the basis of a tutorial agreement between the school or instructor and the student. A tutorial is of limited duration and ceases at the time the parties to the tutorial agreement have performed their obligations under the agreement.

(5) "Academic year" is three quarters or two semesters.

#### NEW SECTION

**WAC 308-180-140 APPROVAL OF SCHOOL, PROGRAM, APPRENTICESHIP OR TUTORIAL INSTRUCTION.** The department will consider for approval any school, program, apprenticeship or tutorial instruction which meets the requirements outlined in chapter 18.06 RCW and which provides all or part of the courses required in RCW 18.06.050.

(1) A school or program may be approved by the director without formal application to the department provided that:

(a) The school or program is accredited or has candidacy status as a United States postsecondary school or program; or

(b) The school or program is accredited under the procedures of another country and these procedures satisfy accreditation standards used for postsecondary education in the United States; or

(c) The nonaccredited school or program is approved by or has candidacy status with the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine; or

(d) The nonaccredited school or program is approved by the Washington state board of medical examiners to prepare persons for the practice of acupuncture.

(2) Approval of any other school, program, apprenticeship or tutorial instruction may be requested on a form provided by the department.

(3) Application for approval of a school, program, apprenticeship or tutorial instruction shall be made by the authorized representative of the school or the administrator of the apprenticeship or tutorial agreement.

(4) An applicant may request approval of the school, program, apprenticeship or tutorial instruction as of the date of the application or retroactively to a specified date.

(5) The application for approval of a school, program, apprenticeship or tutorial instruction shall include documentation required by the department pertaining to educational administration, qualifications of instructors, didactic and/or clinical facilities, and content of offered training.

(6) An application fee must accompany the completed application.

(7) The department will evaluate the application and, if necessary, conduct a site inspection of the school, program, apprenticeship or tutorial instruction prior to approval by the department.

(8) Upon completion of the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(9) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant school or program or the administrator of the applicant apprenticeship or tutorial instruction may request a review within ninety days of the department's adverse action. Should a request for review of an adverse action be made after ninety days following the department's action, the contesting party may obtain review only by submitting a new application.

(10) The authorized representative of an approved school or program or the administrator of an apprenticeship or tutorial agreement shall notify the department of significant changes with respect to educational administration, instructor qualifications, facilities, or content of training.

(11) The department may inspect an approved school, program, apprenticeship or tutorial instruction at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(12) The authorized representative of a school or administrator of an agreement must immediately correct deficiencies which resulted in withdrawal of the department's approval.

#### NEW SECTION

**WAC 308-180-150 WESTERN SCIENCES.** The training in western sciences shall consist of forty-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These forty-five academic credits shall consist of the following:

- (1) Anatomy;
- (2) Physiology;
- (3) Bacteriology;
- (4) Biochemistry;
- (5) Pathology;
- (6) Survey of western clinical sciences;
- (7) Hygiene; and
- (8) Cardio-pulmonary resuscitation (CPR).

Training in hygiene and CPR shall consist of a minimum of one academic credit hour or equivalent in each subject. Red Cross certification or documentation of equivalent training may be substituted for one academic credit hour in CPR.

#### NEW SECTION

**WAC 308-180-160 ACUPUNCTURE SCIENCES.** The training in acupuncture sciences shall consist of seventy-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These seventy-five academic credits shall include the following subjects:

- (1) Fundamental principles of acupuncture;
- (2) Acupuncture diagnosis;
- (3) Acupuncture pathology;
- (4) Acupuncture therapeutics;
- (5) Acupuncture meridians and points; and



(6) Acupuncture techniques, including electroacupuncture.

#### NEW SECTION

WAC 308-180-170 CLINICAL TRAINING. (1) A minimum of one hundred hours or nine quarter credits of clinical training shall consist of observation which shall include case presentation and discussion.

(2) Supervised practice consists of at least four hundred separate patient treatments involving a minimum of one hundred patients. Twenty-nine quarter credits of supervised practice shall be completed over a minimum period of one academic year.

(a) A qualified instructor must observe and provide guidance to the student during the first one hundred patient treatments and be available within the clinical facility to provide consultation and assistance to the student for patient treatments performed subsequently. In the case of each and every treatment, the instructor must have knowledge of and approve the diagnosis and treatment plan prior to the initiation of treatment.

(b) "Patient treatment" shall include:

(i) Conducting a patient intake interview concerning the patient's past and present medical history;

(ii) Performing traditional acupuncture examination and diagnosis;

(iii) Discussion between the instructor and the student concerning the proposed diagnosis and treatment plan;

(iv) Applying acupuncture treatment principles and techniques (a minimum of three hundred sixty patient treatments involving point location, insertion and withdrawal of all needles must be performed); and

(v) Charting of patient conditions, evaluative discussions and findings, and concluding remarks.

(c) Supervised practice shall consist of a reasonable time per patient treatment and a reasonable distribution of patient treatment over one or more academic years so as to facilitate the student's learning experience. If the department is not satisfied that the time per patient treatment and distribution of treatments over one or more academic years facilitates the student's learning experience, it may require detailed documentation of the patient treatments.

#### NEW SECTION

WAC 308-180-190 DOCUMENTS IN FOREIGN LANGUAGE. All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document relative to a person's application shall be at the expense of the applicant.

#### NEW SECTION

WAC 308-180-200 SUFFICIENCY OF DOCUMENTS. In all cases the departments' decision as to the

sufficiency of the documentation shall be final. The department may request further proof of qualification.

#### NEW SECTION

WAC 308-180-210 EXAMINATIONS. (1) A written and practical examination in English shall be given twice yearly for qualified applicants at a time and place determined by the director.

(2) All applicants must have successfully completed the written portion of the examination prior to being eligible for the practical examination.

(3) Applications and fees for examination must be received by the department forty-five days in advance of the scheduled examination date.

(4) The passing score for the examination is a converted score of seventy-five.

(5) Applicants who fail either the written or the practical portion of the examination shall submit an appropriate fee for re-examination.

(6) Application fees are nonrefundable.

#### NEW SECTION

WAC 308-180-220 CONSULTATION PLAN. Every certified acupuncturist shall develop a written plan for consultation, emergency transfer, and referral including:

(1) The name, address, and telephone numbers of two consulting physicians;

(2) The name, address, and a telephone number of the nearest emergency room facility;

(3) An emergency transport mechanism (i.e., ambulance) with the name, address, and telephone number of the dispatcher nearest to the location of practice; and

(4) Confirmation from the physicians listed as to their agreement to consult with and accept referred patients from the applicant upon becoming a certified acupuncturist and establishing a place of practice.

#### NEW SECTION

WAC 308-180-230 REFERRAL TO OTHER HEALTH CARE PRACTITIONERS. When the acupuncturist sees patients with potentially serious disorders including but not limited to:

(1) Cardiac conditions including uncontrolled hypertension;

(2) Acute abdominal symptoms;

(3) Acute undiagnosed neurological changes;

(4) Unexplained weight loss or gain in excess of fifteen percent body weight within a three-month period;

(5) Suspected fracture or dislocation;

(6) Suspected systemic infection;

(7) Any serious undiagnosed hemorrhagic disorder; and

(8) Acute respiratory distress without previous history or diagnosis.

The acupuncturist shall provide the following as medically prudent:

(a) The acupuncturist shall immediately request a consultation or written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW for patients

with potentially serious disorders. In the event the patient refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued.

(b) In emergency situations the acupuncturist shall provide life support and emergency transport to the nearest licensed medical facility.

#### NEW SECTION

**WAC 308-180-240 PATIENT INFORMED CONSENT.** The patient informed consent is to advise the patient of the credentials of the practitioner and the scope of practice of acupuncturists in the state of Washington. The following information must be furnished to each patient in writing prior to or at the time of the initial patient visit.

(1) Practitioner's qualifications, including:

(a) Education. Dates and location(s) of didactic and clinical training.

(b) License information, including:

(i) State license number;

(ii) Date of licensure;

(iii) Licensure in other states or jurisdiction.

(2) The "scope of practice" for an acupuncturist in the state of Washington includes but is not limited to the following list of techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

(d) Acupressure;

(e) Cupping;

(f) Dermal friction technique (gwa hsa);

(g) Infra-red;

(h) Sonopuncture;

(i) Lasarpuncture;

(j) Dietary advice based on traditional Chinese medical theory; and

(k) Point injection therapy (aquapuncture.)

(3) Side effects may include, but are not limited to, the following:

(a) Some pain following treatment in insertion area;

(b) Minor bruising;

(c) Infection;

(d) Needle sickness; and

(e) Broken needle.

(4) Patients with severe bleeding disorders or pace makers should inform practitioners prior to any treatment.

#### NEW SECTION

**WAC 308-180-250 APPLICATION EXHIBITS REQUIRED.** Every application shall be accompanied by:

(1) The application fee;

(2) Verification of academic or educational study and training at a school or college:

(a) Photostatic copy of diploma, certificate, or other certified documents and original copy of school transcript from a school or college evidencing completion of

a program and a copy of the curriculum in the areas of study involved in the school or college forwarded directly from the issuing agency/organization; or

(b) Notarized affidavit or statement bearing the official school seal and signed by an officer of the school or training program certifying the applicant's satisfactory completion of the academic and clinical training and designating the subjects and hours; or

(c) If, for good cause shown, the school is no longer existing, an applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed, and such other information and documents as the department may deem necessary; or

(d) Certified copies of licenses issued by the applicants jurisdiction which must be forwarded directly to the department of licensing from the issuing licensing and/or translation agency rather than the applicant.

(3) Verification of clinical training. The applicant shall submit a certification signed by the instructor(s) under oath that the applicant completed a course of clinical training under the direction of the instructor which shall include:

(a) The location of the training site.

(b) The inclusive dates of training.

(c) That the supervised practice included a minimum of four hundred patient treatments involving a minimum of one hundred different patients.

(d) One hundred hours of observation including case presentation and discussion.

**WSR 87-06-051  
PROPOSED RULES  
DEPARTMENT OF LICENSING  
(Board of Dental Examiners)**

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or repeal rules concerning:

Amd WAC 308-40-102 Examination content.

Amd WAC 308-40-105 Examination review procedures;

that the agency will at 9:00 a.m., Friday, April 17, 1987, in the Peninsula West Room, Seattle Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.32.040.

The specific statute these rules are intended to implement is RCW 18.32.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 14, 1987.

Dated: February 26, 1987  
By: Judy Mayo, Program Manager  
Professional Program Management

## STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Dental Examiners.

Purpose of Proposed Amendments: To clarify the rule relating to examination content and possible content; and to amend the time requirement in requesting an initial review of failing examination results.

Statutory Authority: RCW 18.32.040.

Summary of the Rule: WAC 308-40-102 Examination content; and 308-40-105 Examination review procedures.

Reason for Proposed Amendment: To clarify the examination content rule so that it reads as it was intended; and to modify the time for requesting examination review from forty-five to thirty days.

Responsible Personnel: The Washington State Board of Dental Examiners and the program manager for the board have the responsibility for drafting, implementing and enforcing this rule. The program manager is Judy Mayo, P.O. Box 9649, Olympia, WA 98504, phone (206) 753-2461 comm, 234-2461 scan.

Proponents of the Proposed Amendment: Washington State Board of Dental Examiners.

Agency Comments: The amendments are proposed pursuant to RCW 18.32.040.

Small Business Economic Impact Statement: Not required in that the proposed rule does not impact small businesses as that term is defined in RCW 19.85.020.

Federal Law or State Court Requirements: Not necessitated as the result of federal or state court action.

AMENDATORY SECTION (Amending Order PL 583, filed 3/27/86)

WAC 308-40-102 EXAMINATION CONTENT. (1) The examination will consist of:

(a) Theory: National board only accepted, except as provided in (1)(c).

(b) Practical/practice:

(i) Restorative examination: The restorative examination shall consist of an amalgam restoration, a cast gold restoration and a gold foil restoration. Proper radiographs are required for each cavity selection.

Amalgam Class II

Cast gold restoration - Three or more surfaces.

Gold foil - Class II, III or V

(c) The board may, at its discretion, give an examination in any other ~~((Candidate will receive information concerning such examination-))~~ subject under ~~((++))~~(a) or ~~((++))~~(b) of this subsection, whether in written and/or practical form. The applicant will receive information concerning such examination.

(2) Each applicant must furnish his or her own patient for all phases, as may be required, of the practical/practice examination. Patients must be at least eighteen years of age, and shall not be a dentist, dental student, dental hygienist or dental hygiene student. The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination.

(3) An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students, hygienists, undergraduate hygienists are not acceptable as assistants. Assistants must complete a form of eligibility.

AMENDATORY SECTION (Amending Order PL 391, filed 1/26/82)

WAC 308-40-105 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the practical examination for

licensure as a dentist and does not pass the examination will be provided, upon written request, information indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within ~~((45))~~ thirty days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within ~~((20))~~ twenty days of receipt of the result of the board's review of the examination results.

WSR 87-06-052

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

(Transportation Commission)

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.326 and 47.56.030, that the Washington State Department of Transportation intends to adopt, amend, or repeal rules concerning the adoption of a revised schedule of tolls for the Washington state ferry system, amending WAC 468-300-010, 468-300-020, 468-300-040, 468-300-070, 468-300-700 and the repeal of WAC 468-300-030;

that the agency will at 10 a.m., Thursday, April 16, 1987, in Room 1D2, Transportation Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 16, 1987.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

The specific statute these rules are intended to implement is RCW 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 16, 1987.

Dated: February 26, 1987

By: Lue Clarkson  
Administrator

## STATEMENT OF PURPOSE

Title: The adoption of a revised schedule of tolls for the Washington state ferry system.

Statutory Authority: RCW 47.60.326.

Summary of Rule: To revise the fare schedule on the state ferry system to meet the changing economic factors, including costs of inflation and higher operational costs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Harold W. Parker, Assistant Secretary for Marine Transportation.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Transportation Commission, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: No.

Small Business Economic Impact Statement: The department has considered this rule and determined that it does not affect more than 10% of one industry or 20% of all industry.

AMENDATORY SECTION (Amending Order 59, Resolution No. 287, filed 11/21/86)

WAC 468-300-010 FERRY PASSENGER TOLLS.

Effective ~~((12-01))~~ 03:00 a.m. ~~((January 5, 1986))~~ June 21, 1987

ROUTES	Full Fare	Half Fare**	COM-MU-TATION 20 Rides ***((*)) ****((**))	(PASSENGER SCHOOL COM-MU-TATION Ages 5-11)
Fauntleroy-Southworth Seattle-Bremerton*****((**)) Seattle-Winslow	<del>((3.20))</del> 3.30	<del>1.60</del> 1.65	<del>19.20</del> 19.80	<del>16.00</del> 8.00
Edmonds-Kingston				
Pt. Townsend-Keystone	<del>((1.60))</del> 1.65	<del>.80</del> .85	<del>19.20</del> 19.80	<del>16.00</del> 8.00
Fauntleroy-Vashon Southworth-Vashon	<del>((2.10))</del> 2.15	<del>1.05</del> 1.10	<del>12.60</del> 12.90 <del>((*****))</del>	<del>10.50</del> 5.25
Pt. Defiance-Tahlequah Mukilteo-Clinton				
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	<del>((4.50))</del> 4.65	<del>2.25</del> 2.35	<del>27.00</del> 27.90	<del>22.50</del> 11.25
Anacortes to Sidney and Sidney to all destinations	<del>((5.85))</del> 6.05	<del>2.95</del> 3.05	N/A	<del>((N/A))</del> N/A
Between Lopez, Shaw, Orcas*****((**)) and Friday Harbor	N/C	N/C	N/C	<del>((N/C))</del> N/C
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney	2.25	1.25	N/A	<del>((N/A))</del> N/A

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate ~~((on one-way only))~~ as a one-point toll collection system.

\*\*Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. Includes passengers in vehicles licensed as stages and buses unless travelling under annual permit.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF handicapped travel permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF handicapped travel permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

~~((\*\*\*)School commutation tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.))~~

\*\*\*((\*))A combination ferry/bus public transit passenger monthly reusable ticket rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the transportation commission that said ticket is a necessary element of a transit operating plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in ferry system operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the

equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the public transit operating authority, subject to the approval of the secretary of transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers on those routes which have connecting bus service as part of the transit operating plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the secretary of transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

~~((\*\*\*\*\*On the Fauntleroy-Vashon route, a combination ferry/bus public transit monthly reusable ticket rate shall apply.))~~

\*\*\*\*((\*\*))Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\*\*((\*\*))Inter-island passenger fares included in Anacortes tolls.

\*\*\*\*\*((\*\*))Passenger only vessel - A \$.30 express charge will be applied to all appropriate passenger tolls (\$.15 half fare) for passengers riding the passenger only vessel. This fare will be collected at both destinations.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 54, Resolution No. 263, filed 2/21/86)

WAC 468-300-020 AUTO, MOTORCYCLE ((AND)), BICYCLE AND STOWAGE FERRY TOLLS.

Effective ((12-01)) 03:00 a.m. ((January 5, 1986)) June 21, 1987

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER *****			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<del>((5.40))</del> 5.55	<del>86.40</del> 88.80	<del>2.95</del> 3.05	<del>39.35</del> 40.65	<del>2.25</del> 2.30	<del>1.45</del> 1.50	<del>22.50</del> 23.00
Pt. Townsend-Keystone Edmonds-Kingston							
Fauntleroy-Vashon Southworth-Vashon	<del>((7.25))</del> 7.50	<del>58.00</del> 60.00	<del>3.95</del> 4.10	<del>26.35</del> 27.35	<del>3.10</del> 3.20	<del>2.10</del> 2.15	<del>15.50</del> 16.00
Pt. Defiance-Tahlequah							
Mukilteo-Clinton	<del>((3.65))</del> 3.75	<del>58.00</del> 60.00	<del>2.00</del> 2.05	<del>26.35</del> 27.35	<del>1.55</del> 1.60	<del>1.05</del> 1.10	<del>15.50</del> 16.00
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	<del>((11.25))</del> 11.60 <del>((13.45))</del> 13.85 <del>((15.40))</del> 15.85	<del>45.00</del> 46.40 <del>53.80</del> 55.40 <del>61.60</del> 63.40	<del>6.95</del> 7.15 <del>7.95</del> 8.20 <del>9.20</del> 9.50	<del>46.35</del> 47.65 <del>53.00</del> 54.65 <del>61.35</del> 63.35	<del>6.05</del> 6.25	<del>3.80</del> 3.95	<del>30.25</del> 31.25
Anacortes to Sidney and Sidney to all destinations	<del>((25.30))</del> 26.05	N/A	<del>((12.75))</del> 13.15	N/A	<del>((8.30))</del> 8.55	<del>5.40</del> 5.55	N/A
Between Lopez, Shaw, Orcas and Friday Harbor ***** @	6.50	26.00	2.25	N/A	2.25	2.25	N/A
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	<del>((12.75))</del> 13.25	N/A	<del>((5.75))</del> 6.00	N/A	3.25	2.25	N/A

@These fares rounded to the nearest multiple of \$.25.

\*These routes operate ((on one-way only)) as a one-point toll collection system.

\*\*Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\*Tolls collected westbound only.

\*\*\*\*\*Carry on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

**SUMMER SURCHARGE**

A 20% surcharge shall be applied ((during)) to coincide with the summer schedule period (((beginning the third Sunday in June and ending the third Saturday in September))) to regular, noncommutation auto and ((oversized vehicle rates only)) noncommercial vehicles with trailers and oversize vehicles.

**PENALTY CHARGES**

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

**SPECIAL SCHOOL RATE**

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special school rate is \$2.00 on routes where one-way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

**PROMOTIONAL TOLLS**

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

**AMENDATORY SECTION** (Amending Order 59, Resolution No. 287, filed 11/21/86)

**WAC 468-300-040 TRUCKS AND TRUCKS WITH TRAILER FERRY TOLLS.**

Effective ((+2.0+)) 03:00 a.m. ((January 5, 1986)) June 21, 1987

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I *** Under 18'	Class II 18' to Under 28'	Class III 28' to Under 38'	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<del>(5.40)</del> 5.55	<del>9.15</del> 9.40	<del>18.10</del> 18.65	<del>27.05</del> 27.85	<del>36.00</del> 37.10	<del>45.00</del> 46.35	<del>53.90</del> 55.50	<del>53.90</del> 55.50	<del>.75)</del> .80
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon	<del>(7.25)</del> 7.50	<del>12.80</del> 13.20	<del>25.35</del> 26.20	<del>39.00</del> 39.00	<del>51.90</del> 51.90	<del>62.95</del> 64.90	<del>75.55</del> 77.90	<del>75.55</del> 77.90	<del>.95)</del> 1.10
Pt. Defiance-Tahlequah									
Mukilteo-Clinton	<del>(3.65)</del> 3.75	<del>6.40</del> 6.60	<del>12.70</del> 13.10	<del>18.95</del> 19.50	<del>25.20</del> 25.95	<del>31.50</del> 32.45	<del>37.80</del> 38.95	<del>37.80</del> 38.95	<del>.50)</del> .55
**Anacortes to Lopez, Shaw, Orcas * or Friday Harbor	<del>(11.25)</del> 11.60 <del>(13.45)</del> 13.85	<del>21.80</del> 22.45	<del>43.35</del> 44.65	<del>64.85</del> 66.80	<del>86.35</del> 88.95	<del>107.95</del> 111.20	<del>129.45</del> 133.35	<del>129.45</del> 133.35	<del>1.80)</del> 1.85
Anacortes to Sidney **and Sidney to all destinations	<del>(25.30)</del> 26.05	<del>33.20</del> 34.20	<del>56.00</del> 57.70	<del>78.85</del> 81.20	<del>101.70</del> 104.75	<del>124.65</del> 128.40	<del>147.50</del> 151.95	<del>147.50</del> 151.95	<del>2.05)</del> 2.10
**Between Lopez, Shaw, Orcas ****@ and Friday Harbor	<del>(6.50)</del> 6.75	<del>10.75</del> 11.00	<del>10.75</del> 11.00	<del>10.75</del> 11.00	<del>42.75</del> 44.00	<del>42.75</del> 44.00	<del>42.75</del> 44.00	<del>42.75)</del> 44.00	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	<del>(13.50)</del> 14.00	<del>19.50</del> 20.00	<del>33.00</del> 34.00	<del>46.50</del> 48.00	<del>59.75</del> 61.50	<del>73.25</del> 75.50	<del>86.75</del> 89.25	<del>86.75)</del> 89.25	1.00

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate ((on one-way only)) as a one-point toll collection system.

\*\*Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

\*\*\*Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

\*\*\*\*Toll collected westbound only.

**PENALTY CHARGES**

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

**DISCOUNT PERCENTAGES FROM REGULAR TOLL**

12 or more, one-way crossings ((within any consecutive six-day period ..... 25%)  
per week (Sunday thru Saturday) will qualify for a 25% discount from the regular ferry tolls.

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

**AMENDATORY SECTION (Amending Order 54, Resolution No. 263, filed 2/21/86)**

**WAC 468-300-070 NONCOMMERCIAL VEHICLE WITH TRAILER, OVERSIZE VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENTS AND MEDICAL SUPPLIES FERRY TOLLS.**

Effective ((12:01)) 03:00 a.m. ((January 5, 1986)) June 21, 1987

**Noncommercial Vehicle with Trailer, Oversize Vehicle,  
Stage and Bus, Newspaper, Express Shipments and  
Medical Supplies Ferry Tolls\*\*\***

	Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over	Stages And Buses Incl. Driver ** --
Seattle-Winslow Seattle-Bremerton Edmonds-Kingston	<del>(5.40)</del> 5.55	<del>8.10</del> 8.35	<del>10.90</del> 11.25	<del>15.45</del> 15.90	<del>19.90)</del> 20.50	12.25
Pt. Townsend-Keystone Fauntleroy-Southworth						
Fauntleroy-Vashon Southworth-Vashon	<del>(7.25)</del> 7.50	<del>11.10</del> 11.40	<del>15.25</del> 15.80	<del>21.60</del> 22.20	<del>27.95)</del> 28.80	15.70
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	<del>(3.65)</del> 3.75	<del>5.55</del> 5.70	<del>7.65</del> 7.90	<del>10.80</del> 11.10	<del>14.00)</del> 14.40	7.85
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	<del>(11.25))</del> 11.60 <del>(13.45)</del> 13.85 <del>(15.40)</del> 15.85	<del>19.85</del> 20.45	<del>26.25</del> 27.05	<del>37.00</del> 38.10	<del>47.75)</del> 49.20	33.30
Anacortes to Sidney and Sidney to all destinations	<del>(25.30)</del> 26.05	<del>32.15</del> 33.10	<del>37.70</del> 38.85	<del>49.15</del> 50.60	<del>60.55)</del> 62.35	48.50
Between Lopez, Shaw, Orcas and Friday Harbor	<del>(6.50)</del> 6.75	<del>10.75</del> 11.00	<del>10.75</del> 11.00	<del>10.75</del> 11.00	<del>42.75)</del> 44.00	11.00
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	<del>(13.50)</del> 14.00	<del>17.75</del> 18.25	<del>22.00</del> 22.50	<del>28.75</del> 29.50	<del>35.50)</del> 36.50	15.50

**(1) BULK NEWSPAPERS per 100 lbs. \$2.20**

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

**(2) EXPRESS SHIPMENTS per 100 lbs. \$20.90**

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled @ \$2.80 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.15

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate (~~on one-way only~~) as a one-point toll collection system.

**\*\*Stages – A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.**

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

**\*\*\*INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:**

Automobiles

Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC (~~468-300-020~~) 468-300-040)

Oversize vehicles

Does not include motorcycles with trailers.

Also includes motor homes, and mobile campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

\*\*\*\*Toll collected westbound only.

Senior citizen discounts for the driver of the above vehicles shall apply.

Senior citizen discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

SUMMER SURCHARGE

A 20% surcharge shall be applied to coincide with this summer schedule period to regular, noncommutation auto and noncommercial vehicles with trailers and oversize vehicles.

AMENDATORY SECTION (Amending Order 55, Resolution No. 273, filed 7/25/86)

WAC 468-300-700 PREFERENTIAL LOADING. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on the single occupant private automobiles:

(1) Preferential loading privileges on vessels operated by Washington state ferries exempting vehicles from the standard first-come first-serve rule shall be granted, in the order set forth below, to:

(a) Emergency vehicles actually involved in emergency operations;  
(b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise result would cause health risks, undue strain or undue discomfort to those persons;

(c) Public transportation and/or pupil transportation vehicles owned or operated by public or private transportation operators providing transit or charter service under a certificate of public convenience and necessity issued by the utilities and transportation commission of the state of Washington or owned and operated by a local school district or private school system;

(d) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;

(e) Commuter car pools which shall consist of a minimum number of persons as determined by ferry system management: PROVIDED, That such minimum number shall in no case be less than three, and provided further that a formal registration system may be required as determined by ferry system management;

(f) Commercial vehicles traveling on routes where Washington state ferries is the only major access for landbased traffic, provided that the vehicles are carrying wholesale perishable article(s) of commerce to be

bought or sold in commercial activity or to be used in the production of other such articles.

(2) Such preferential loading privileges shall be subject to the following conditions:

(a) Privileges shall be granted only where physical facilities are deemed by ferry system management to be adequate to achieve an efficient operation;

(b) Documentation outlining details of travel will be required in advance from all agencies, companies, or individuals requesting such privileges;

(c) Privileges may be limited to specified time periods as determined by ferry system management;

(d) Privileges may require a minimum frequency of travel, as determined by ferry system management;

(e) Privileges may be limited to a specific number of vehicle spaces for any one sailing; and,

(f) Privileges may require arriving at the ferry terminal a specified time prior to the scheduled sailing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.



**AMENDATORY SECTION** (Amending Order 59, Resolution No. 287, filed 11/21/86)

**WAC 468-300-010 FERRY PASSENGER TOLLS.**

Effective ~~((+2-0+))~~ 03:00 a.m. ((January 5, 1986)) June 19, 1988

ROUTES	Full Fare	Half Fare**	COM-MU-TATION 20 Rides ***((*)) ****((**))	((PASSENGER SCHOOL COM-MU-TATION **** ***** 20 Rides Ages)) <del>((+2-20 5-11))</del>
Fauntleroy-Southworth Seattle-Bremerton*****((**)) Seattle-Winslow	<del>((3.20 3.40))</del>	<del>(1.60 1.70))</del>	<del>(19.20 20.40))</del>	<del>(16.00 8.00))</del>
Edmonds-Kingston				
Pt. Townsend-Keystone	<del>((1.60 1.70))</del>	<del>(.80 .85))</del>	<del>(19.20 20.40))</del>	<del>(16.00 8.00))</del>
Fauntleroy-Vashon Southworth-Vashon	<del>((2.10 2.25))</del>	<del>(1.05 1.15))</del>	<del>(12.60 13.50))</del>	<del>(10.50 5.25))</del>
Pt. Defiance-Tahlequah Mukilteo-Clinton			<del>((*****))</del>	
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	<del>((4.50 4.85))</del>	<del>(2.25 2.45))</del>	<del>(27.00 29.10))</del>	<del>(22.50 11.25))</del>
Anacortes to Sidney and Sidney to all destinations	<del>((5.85 6.30))</del>	<del>(2.95 3.15))</del>	N/A	<del>((N/A N/A))</del>
Between Lopez, Shaw, Orcas*****((**)) and Friday Harbor	N/C	N/C	N/C	<del>((N/C N/C))</del>
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney	2.25	1.25	N/A	<del>((N/A N/A))</del>

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate ~~((on one-way only))~~ as a one-point toll collection system.

\*\*Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. Includes passengers in vehicles licensed as stages and buses unless travelling under annual permit.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF handicapped travel permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF handicapped travel permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

~~((\*\*\*)School commutation tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.))~~

~~\*\*\*((\*)A combination ferry/bus public transit passenger monthly reusable ticket rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the transportation commission that said ticket is a necessary element of a transit operating plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in ferry system operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the public transit operating authority, subject to the approval of the secretary of transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers on those routes which have connecting bus service as part of the transit operating plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the secretary of transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.~~

~~((\*\*\*\*\*On the Fauntleroy-Vashon route, a combination ferry/bus public transit monthly reusable ticket rate shall apply.))~~

- \*\*\*\*((AA))Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.
- \*\*\*\*\*((AA))Inter-island passenger fares included in Anacortes tolls.
- \*\*\*\*\*((AA))Passenger only vessel - A \$.30 express charge will be applied to all appropriate passenger tolls (\$.15 half fare) for passengers riding the passenger only vessel. This fare will be collected at both destinations.

**PROMOTIONAL TOLLS**

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

**AMENDATORY SECTION (Amending Order 54, Resolution No. 263, filed 2/21/86)**

**WAC 468-300-020 AUTO, MOTORCYCLE ((AND)), BICYCLE AND STOWAGE FERRY TOLLS.**

Effective ((+2.0+)) 03:00 a.m. ((January 5, 1986)) June 19, 1988

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER *****			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<del>((5.40))</del> 5.80	<del>86.40</del> 92.80	<del>2.95</del> 3.20	<del>39.35</del> 42.65	<del>2.25</del> 2.40	<del>1.45</del> 1.60	<del>22.50))</del> 24.00
Pt. Townsend-Keystone Edmonds-Kingston							
Fauntleroy-Vashon Southworth-Vashon	<del>((7.25))</del> 7.80	<del>58.00</del> 62.40	<del>3.95</del> 4.30	<del>26.35</del> 28.65	<del>3.10</del> 3.30	<del>2.10</del> 2.30	<del>15.50))</del> 16.50
Pt. Defiance-Tahlequah							
Mukilteo-Clinton	<del>((3.65))</del> 3.90	<del>58.00</del> 62.40	<del>2.00</del> 2.15	<del>26.35</del> 28.65	<del>1.55</del> 1.65	<del>1.05</del> 1.15	<del>15.50))</del> 16.50
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	<del>((11.25))</del> 12.10	<del>45.00</del> 48.40	<del>6.95</del> 7.45	<del>46.35))</del> 49.65	<del>6.05</del> 6.50	<del>3.80</del> 4.10	<del>30.25))</del> 32.50
Anacortes to Sidney and Sidney to all destinations	<del>((25.30))</del> 27.10	N/A	<del>((12.75))</del> 13.70	N/A	<del>((8.30</del> 8.90	<del>5.40))</del> 5.75	N/A
Between Lopez, Shaw, Orcas and Friday Harbor @	<del>((6.50</del> 7.00	<del>26.00))</del> 28.00	2.25	N/A	2.25	2.25	N/A
From Lopez, Shaw, Orcas@ and Friday Harbor to Sidney	<del>((12.75))</del> 13.75	N/A	<del>((5.75))</del> 6.25	N/A	<del>((3.25</del> 3.50	<del>2.25))</del> 2.50	N/A

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate ((on one-way only)) as a one-point toll collection system.

\*\*Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\*Tolls collected westbound only.

\*\*\*\*\*Carry on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycles rate. This rate includes the walk-on passenger carrying on the item to be stowed.

**SUMMER SURCHARGE**

A 20% surcharge shall be applied ((during)) to coincide with the summer schedule period (((beginning the third Sunday in June and ending the third Saturday in September))) to regular, noncommutation auto and ((oversized vehicle rates only)) noncommercial vehicles with trailers and oversized vehicles.

**PENALTY CHARGES**

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

**SPECIAL SCHOOL RATE**

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special school rate is \$2.00 on routes where one-way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

**PROMOTIONAL TOLLS**

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

**AMENDATORY SECTION (Amending Order 59, Resolution No. 287, filed 11/21/86)**

**WAC 468-300-040 TRUCKS AND TRUCKS WITH TRAILER FERRY TOLLS.**

Effective ((~~12-01~~)) 03:00 a.m. ((~~January 5, 1986~~)) June 19, 1988

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I *** Under 18'	Class II 18' to Under 28'	Class III 28' to Under 38'	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<del>(5.40)</del> 5.75	<del>9.15</del> 9.80	<del>18.10</del> 19.40	<del>27.05</del> 29.00	<del>36.00</del> 38.60	<del>45.00</del> 48.25	<del>53.90</del> 57.80	<del>53.90</del> 57.80	<del>.75)</del> .85
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon	<del>(7.25)</del> 7.80	<del>12.80</del> 13.70	<del>25.35</del> 27.30	<del>40.60</del> 40.60	<del>54.00</del> 54.00	<del>62.95</del> 67.60	<del>75.55</del> 81.10	<del>75.55</del> 81.10	<del>.95)</del> 1.10
Pt. Defiance-Tahlequah									
Mukilteo-Clinton	<del>(3.65)</del> 3.90	<del>6.40</del> 6.85	<del>12.70</del> 13.65	<del>18.95</del> 20.30	<del>25.20</del> 27.00	<del>31.50</del> 33.80	<del>37.80</del> 40.55	<del>37.80</del> 40.55	<del>.50)</del> .55
**Anacortes to Lopez, Shaw, Orcas * or Friday Harbor	<del>(11.25)</del> 12.10 <del>(13.45)</del> 14.40 <del>(15.40)</del> 16.50	<del>21.80</del> 21.80 23.35	<del>43.35</del> 43.35 46.50	<del>64.85</del> 64.85 69.55	<del>86.35</del> 86.35 92.60	<del>107.95</del> 107.95 115.75	<del>129.45</del> 129.45 138.80	<del>129.45</del> 129.45 138.80	<del>1.00)</del> 1.95
Anacortes to Sidney **and Sidney to all destinations	<del>(25.30)</del> 27.10	<del>33.20</del> 35.60	<del>56.00</del> 60.05	<del>78.85</del> 84.55	<del>101.70</del> 109.05	<del>124.65</del> 133.65	<del>147.50</del> 158.20	<del>147.50</del> 158.20	<del>2.05)</del> 2.20
**Between Lopez, Shaw, Orcas ****@ and Friday Harbor	<del>(6.50)</del> 7.00	<del>10.75</del> 11.50	<del>10.75</del> 11.50	<del>10.75</del> 11.50	<del>42.75</del> 45.75	<del>42.75</del> 45.75	<del>42.75</del> 45.75	<del>42.75)</del> 45.75	N/A
**From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	<del>(13.50)</del> 14.50	<del>19.50</del> 20.75	<del>33.00</del> 35.50	<del>46.50</del> 50.00	<del>59.75</del> 64.00	<del>73.25</del> 78.50	<del>86.75</del> 93.00	<del>86.75</del> 93.00	<del>1.00)</del> 1.25

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate ((on one-way only)) as a one-point toll collection system.

\*\*Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

\*\*\*Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

\*\*\*\*Toll collected westbound only.

**PENALTY CHARGES**

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

**DISCOUNT PERCENTAGES FROM REGULAR TOLL**

12 or more, one-way crossings ((within any consecutive six day period ..... 25%)) per week (Sunday through Saturday) will qualify for a 25% discount from the regular ferry tolls.

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

AMENDATORY SECTION (Amending Order 54, Resolution No. 263, filed 2/21/86)

WAC 468-300-070 NONCOMMERCIAL VEHICLE WITH TRAILER, OVERSIZE VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENTS AND MEDICAL SUPPLIES FERRY TOLLS.

Effective ((+2:0+)) 03:00 a.m. ((January 5, 1986)) June 19, 1988

	<u>Noncommercial Vehicle with Trailer, Oversize Vehicle, Stage and Bus, Newspaper, Express Shipments and Medical Supplies Ferry Tolls***</u>					<u>Stages And Buses Incl. Driver ** ---</u>
	<u>Under 18'</u>	<u>18' To Under 28'</u>	<u>28' To Under 38'</u>	<u>38' To Under 48'</u>	<u>48' And Over</u>	
Seattle-Winslow Seattle-Bremerton Edmonds-Kingston	((5.40 5.75	8.10 8.70	10.90 11.70	15.45 16.55	19.90 21.35	12.75
Pt. Townsend-Keystone Fauntleroy-Southworth						
Fauntleroy-Vashon Southworth-Vashon	((7.25 7.80	11.10 11.90	15.25 16.40	21.60 23.10	27.95 30.00	16.30
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((3.65 3.90	5.55 5.95	7.65 8.20	10.80 11.55	14.00 15.00	8.15
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	((11.25 12.05 13.45 14.40 15.48) 16.50	19.85 21.30	26.25 28.15	37.00 39.65	47.75 51.20	34.65
Anacortes to Sidney and Sidney to all destinations	((25.30 27.10	32.15 34.45	37.70 40.45	49.15 52.65	60.55 64.90	50.50
Between Lopez, Shaw, Orcas and Friday Harbor	((6.50 7.00	10.75 11.50	10.75 11.50	10.75 11.50	42.75 45.75	11.50
From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	((13.50 14.50	17.75 19.00	22.00 23.50	28.75 30.75	35.50 38.00	16.25

(1) BULK NEWSPAPERS per 100 lbs. \$2.30

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.15 per 100 lbs.)  
Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$21.75

(Shipments exceeding 100 lbs. assessed \$8.65 for each 25 lbs. or fraction thereof.)  
Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled @ \$2.95 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.20

@These fares rounded to the nearest multiple of \$ .25.

\*These routes operate ((on-one-way-only)) as a one-point toll collection system.

\*\*Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

\*\*\*INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:

- Automobiles
- Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-020)
- Oversize vehicles
- Does not include motorcycles with trailers.

Also includes motor homes, and mobile campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

\*\*\*Toll collected westbound only.

Senior citizen discounts for the driver of the above vehicles shall apply.

Senior citizen discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

**SUMMER SURCHARGE**

A 20% surcharge shall be applied to coincide with the summer schedule period to regular, noncommutation auto and noncommercial vehicles with trailers and oversize vehicles.

**AMENDATORY SECTION** (Amending Order 55, Resolution No. 273, filed 7/25/86)

WAC 468-300-700 PREFERENTIAL LOADING. In order to protect public health, safety and commerce; to encourage more efficient use of the ferry system; and to reduce dependency on the single occupant private automobiles:

(1) Preferential loading privileges on vessels operated by Washington state ferries exempting vehicles from the standard first-come first-serve rule shall be granted, in the order set forth below, to:

- (a) Emergency vehicles actually involved in emergency operations;
- (b) Vehicles transporting persons with severe illnesses or severe disabilities such that the delay in loading which would otherwise result would cause health risks, undue strain or undue discomfort to those persons;

(c) Public transportation and/or pupil transportation vehicles owned or operated by public or private transportation operators providing transit or charter service under a certificate of public convenience and necessity issued by the utilities and transportation commission of the state of Washington or owned and operated by a local school district or private school system;

(d) Commuter vanpools which are certified in the manner set forth in WAC 468-300-020;

(e) Commuter car pools which shall consist of a minimum number of persons as determined by ferry system management: PROVIDED, That such minimum number shall in no case be less than three, and provided further that a formal registration system may be required as determined by ferry system management;

(f) Commercial vehicles traveling on routes where Washington state ferries is the only major access for landbased traffic, provided that the vehicles are carrying wholesale perishable article(s) of commerce to be bought or sold in commercial activity or to be used in the production of other such articles.

(2) Such preferential loading privileges shall be subject to the following conditions:

(a) Privileges shall be granted only where physical facilities are deemed by ferry system management to be adequate to achieve an efficient operation;

(b) Documentation outlining details of travel will be required in advance from all agencies, companies, or individuals requesting such privileges;

(c) Privileges may be limited to specified time periods as determined by ferry system management;

(d) Privileges may require a minimum frequency of travel, as determined by ferry system management;

(e) Privileges may be limited to a specific number of vehicle spaces for any one sailing; and

(f) Privileges may require arriving at the ferry terminal a specified time prior to the scheduled sailing.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.

**WSR 87-06-053**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education

Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 251-01-040	Availability.		
New	WAC 251-23-015	Affirmative	action	rules—
		Noncompliance;		

that the agency will at 9:00 a.m., Friday, April 17, 1987, in the John Spellman Library, Room 1512, Grays Harbor College, Aberdeen, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 16, 1987.

Dated: March 4, 1987

By: John A. Spitz

Director

**STATEMENT OF PURPOSE**

This statement is related to the notice filed with the code reviser on March 4, 1987, and is filed pursuant to RCW 34.04.025.

Description of Purpose: To specify definition of term and provide noncompliance and complaint filing procedures for affirmative action programs at higher education institutions and related boards in the state of Washington.

Specific Statute These Rules are Intended to Implement: RCW 28B.16.100(22) and 49.74.010 through [49.74.]040.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Title: WAC 251-01-040 Availability, amend word definition to provide meaning in the context that it is used in the rules; and 251-23-015 Affirmative action rules—Noncompliance, to reflect provision in ESSB 3346, RCW 49.74.010 through [49.74.]040, 49.60.230 through [49.60.]240 and WAC 162-08-071 that the Washington State Human Rights Commission has the jurisdiction in determining noncompliance with the HEPB affirmative action rules, chapter 251-23 WAC.

Reasons Supporting Proposed Action: Substitute Senate Bill 3346 mandated the Higher Education Personnel Board to adopt rules on affirmative action as it relates to higher education institutions/related boards.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

**AMENDATORY SECTION** (Amending Order 147, filed 4/22/86)

WAC 251-01-040 AVAILABILITY. An estimate, based on the best data available, of the number of women, racial/ethnic minorities, persons in the protected age category, Vietnam-era and disabled veterans, and ((handicapped)) persons of disability who have the skills and abilities required for employment in a particular job group, or who are capable of acquiring them, as determined from an analysis of relevant data.

**NEW SECTION**

WAC 251-23-015 AFFIRMATIVE ACTION RULES—NON-COMPLIANCE. (1) Pursuant to RCW 49.74.020 through 49.74.040, noncompliance with the rules contained in this chapter are the jurisdiction of the Washington state human rights commission.

(2) Pursuant to RCW 49.60.230 through 49.60.240, complaints alleging the unfair practice of the rules contained in this chapter shall be filed with the Washington state human rights commission as provided in WAC 162-08-071.

**WSR 87-06-054**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning preseparation or predisciplinary notice, new WAC 251-10-108;

that the agency will at 9:00 a.m., Friday, April 17, 1987, in the John Spellman Library, Room 1512, Grays Harbor College, Aberdeen, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 16, 1987.

Dated: March 4, 1987

By: John A. Spitz  
Director

**STATEMENT OF PURPOSE**

This statement is related to the notice filed with the code reviser on March 4, 1987, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-10-108 Preseparation or predisciplinary notice; 251-10-120 Dismissal/separation—Grounds for—Notice; and 251-10-140 Immediate dismissal.

Description of Purpose: To specify conditions for preseparation or prediscipline.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute These Rules are Intended to Implement: RCW 28B.16.100(1).

Summary of Rule: Establishes criteria for preseparation or predisciplinary process; and modifies immediate dismissal process to include preseparation or predisciplinary process.

Reasons Supporting Proposed Action: The United States Supreme Court required that an employee be given "some kind of hearing" prior to discharge of an employee who has constitutionally protected property interest in his employment. The name of the case is *Cleveland Board of Education vs. James Loudermill, et al.*, No. 83-1362.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule: Shirley Meckley, Washington State University and Interinstitutional Personnel Officers Committee, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is the result of federal court action.

Reviser's note: WAC 251-10-120 and 251-10-140 are referred to in the agency's statement of purpose, however, the proposed text of the sections was not included with the filing by the agency. cf. RCW 34.08.020 (1)(a).

**NEW SECTION**

WAC 251-10-108 PRESEPARATION OR PREDISCIPLINARY NOTICE. (1) Prior to dismissal, separation due to mental or physical incapacity, suspension, immediate dismissal, reduction in salary or demotion of a permanent employee pursuant to WAC 251-10-120, 251-10-130, 251-10-140 or 251-10-150, the employing institution/related board shall make reasonable efforts to give the employee:

- (a) Oral or written notice of the charges against the employee;
- (b) An oral or written explanation of the evidence which forms the basis for the charges;
- (c) An oral or written statement of the action being contemplated by the employing official; and
- (d) A reasonable opportunity for the employee to present reasons, either orally or in writing, why the proposed action should not be taken.

(2) The requirement in subsection (1)(b) of this rule shall not limit the employing institution/related board from presenting a more detailed and complete case at an appeal hearing if the proposed action is taken and the employee appeals.

(3) The requirements of this section are procedural only and are not necessarily determinative of the merits of the appeal.

**WSR 87-06-055**

**PROPOSED RULES**

**DEPARTMENT OF NATURAL RESOURCES**

[Filed March 4, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Natural Resources intends to adopt, amend, or repeal rules

concerning this notice proposes to implement rules which will replace the existing rules found in chapter 332-24 WAC with new rules adopted pursuant to chapter 100, Laws of 1986 (codified as chapter 76.04 RCW). These rules prescribe conditions, requirements or actions necessary for the protection of forest lands. The rules are necessary to implement the administration, permit, closure/suspension, fire protection regulations, assessment/obligations/funds, hazard abatement and fire regulation sections of chapter 76.04 RCW;

that the agency will at 7:30 p.m., Wednesday, April 29, 1987, in the Conference Room, General Administration Building, Olympia, Washington, and at 7:30 p.m., Thursday, April 30, 1987, in the National Guard Armory, Colville, Washington, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 8, 1987.

The authority under which these rules are proposed is RCW 76.04.015.

The specific statute these rules are intended to implement is RCW 76.04.015, 76.04.205, 76.04.235, 76.04.305, 76.04.315, 76.04.325, 76.04.405, 76.04.465, 76.04.610 and 76.04.660.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 30, 1987.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Howard Thronson  
Department of Natural Resources  
Fire Control Division  
4224 6th Avenue S.E.  
Rowesix, Building 1  
Lacey, Washington 98503  
(206) 459-6900

Dated: March 4, 1987

By: Brian J. Boyle  
Commissioner of Public Lands

#### STATEMENT OF PURPOSE

Title and Number of Rule Sections: Chapter 332-24 WAC, Forest protection, includes WAC 332-24-005 Definitions; 332-24-015 Invalidity of part of chapter not to affect remainder; 332-24-201 Written burning permit requirements and exceptions; 332-24-205 General rules—Recreational or debris disposal fires not requiring a written burning permit; 332-24-211 Requirements—Recreational or debris disposal fires; 332-24-215 Recreational and debris disposal fire requirements—Penalty;

332-24-221 Burning permits; 332-24-225 Burning barrels; 332-24-231 Burning permits—Yacolt burn in portions of Clark and Skamania counties; 332-24-232 Exemption from burning permit requirements—Parts of Clark and Wahkiakum counties; 332-24-234 Exemption from burning permit requirements—Parts of Okanogan County; 332-24-236 Exemption from burning permit requirements—Parts of Asotin, Garfield, Columbia and Walla Walla counties; 332-24-238 Exemption from burning permit requirements—Parts of Cowlitz County; 332-24-240 Exemption from burning permit requirements—Parts of Snohomish County; 332-24-242 Exemption from burning permit requirements—Parts of Skagit County; 332-24-244 Exemption from burning permit requirements—Parts of Pacific and Grays Harbor counties; 332-24-261 Dumping mill waste, forest debris—Creation of a fire hazard—Permits; 332-24-301 Industrial restrictions; 332-24-401 Felling of snags; 332-24-405 Spark-emitting equipment requirements; 332-24-411 Substitution, reduction or increases of requirements; 332-24-600 Forest fire protection and special forest fire suppression account minimum assessment refund procedure; 332-24-650 Extreme fire hazard requiring abatement; 332-24-652 Extreme fire hazard—Eight hundred contiguous acres; 332-24-654 Extreme fire hazard—Liability—Responsibility; 332-24-656 Pre-existing hazards; 332-24-658 Recovery of costs; and 332-24-660 Approved isolation, reduction or abatement—Relief of liability.

Statutory Authority: RCW 76.04.015.

Specific Statutes that the Rules are Intended to Implement: RCW 76.04.015, 76.04.205, 76.04.235, 76.04.305, 76.04.315, 76.04.325, 76.04.405, 76.04.465, 76.04.610 and 76.04.660.

Summary of Rules: To replace the existing rules found in chapter 332-24 WAC with new rules adopted pursuant to the enactment of chapter 100, Laws of 1986 (codified as chapter 76.04 RCW). These rules prescribe conditions, requirements or actions necessary for the protection of forest land. The rules are necessary to implement the administrative, permit, closure/suspension, fire protection regulations, assessment/obligations/funds, hazard abatement and fire regulation sections of chapter 76.04 RCW.

Reasons Supporting the Proposed Rules: Washington's forest lands serve the citizens of the state in various ways. They are a base for a major economy, they serve as a setting for residential developments, they serve as a tourist attraction, they provide habitat for wildlife and play an integral part in water and air quality. There has been a mandate to the public and government to protect these lands since before statehood. The legislative mandate has remained unchanged for the past 100 years. These rules carry out the specific charges found in statute. The rules are, for the most part, reenactment of existing rules promulgated under the old sections of chapter 76.04 RCW.

Agency Personnel Responsible for Drafting: Howard Thronson, Fire Prevention Specialist, Fire Control Division, 4224 Sixth Avenue S.E., Building 1, Lacey, WA 98503, phone (206) 459-6900; Implementation: Ken Hoover, Manager, Fire Control Division, 4224 Sixth

Avenue S.E., Building 1, Lacey, WA 98503, phone (206) 459-6900; and Enforcement: Gene Nielsen, Central Area Manager, 1405 Rush Road, Chehalis, WA 98532, phone (206) 748-8616, scan 234-3410, Ryder Chronic, Northeast Area Manager, 225 South Silke Road, Colville, WA 99114, phone (509) 684-5201, scan 574-1242, Harold Villager, Northwest Area Manager, 919 North Township Street, Sedro Woolley, WA 98284, phone (206) 586-0083, scan 578-1373, John Calhoun, Olympic Area Manager, Route 1, Box 1375, Forks, WA 98331, phone (206) 374-6131, scan 737-6131, Don Pless, Southeast Area Manager, 713 East Bowers Road, Ellensburg, WA 98926, phone (509) 925-6131, scan 453-3946, Jan Gano, Southwest Area Manager, 601 Bond Road, Castle Rock, WA 98611, phone (206) 577-2025, scan 239-2025, and Mike Griggs, South Puget Sound Area Manager, 28329 S.E. 448th Street, Enumclaw, WA 98022, phone (206) 825-1631, scan 477-3990.

Name of the Person or Organization, Whether Private, Public or Governmental, that is Proposing the Rules: Washington State Department of Natural Resources.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: These rules are the continuation of existing rules previously enacted. There are several major differences in the proposed rules as compared to the existing rules. The fiscal impact of these rules is no major increase over the fiscal impact for forest fire protection currently in effect. These rules are necessary to implement the intent of individual statutes in chapter 76.04 RCW.

The rules are not necessary to comply with federal law, or state or federal court ruling.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purpose: None.

Small Business Economic Impact Statement: As required by the Regulatory Fairness Act, the Department of Natural Resources submits the following economic statement for the proposed forest protection rules.

The proposed rules are a housekeeping measure to comply with the enactment of chapter 100, Laws of 1986. The existing rules are without statutory basis with the repeal, in 1986, of chapter 76.04 RCW. The proposed rules are carrying the existing WAC over to the new sections in chapter 76.04 RCW.

There are substantive changes to the existing rules that would create an economic burden to small business.

**Reviser's note:** The material contained in this filing will appear in the 87-07 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

adopt at Ecology Headquarters, Lacey, Washington, the annexed rules relating to maximum environmental noise levels, chapter 173-60 WAC.

This action is taken pursuant to Notice No. WSR 87-02-059 filed with the code reviser on January 7, 1987. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington Department of Ecology as authorized in chapter 70.107 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 17, 1987.

By Phillip C. Johnson  
Deputy Director

AMENDATORY SECTION (Amending Order 74-32, filed 4/22/75, effective 9/1/75)

WAC 173-60-110 COOPERATION WITH LOCAL GOVERNMENT. (1) The department conceives the function of noise abatement and control to be primarily the role of local government and intends actively to encourage local government to adopt measures for noise abatement and control. Wherever such measures are made effective and are being actively enforced, the department does not intend to engage directly in enforcement activities.

(2) No ordinance or resolution of any local government which imposes noise control requirements differing from those adopted by the department shall be effective unless and until approved by the director. If approval is denied, the department, (~~within 60 days of~~) following submission of such local ordinance or resolution to the department, shall deliver its statement or order of denial, designating in detail the specific provision(s) found to be objectionable and the precise grounds upon which the denial is based, and shall submit to the local government, the department's suggested modification.

(3) The department shall encourage all local governments enforcing noise ordinances pursuant to this chapter to consider noise criteria and land use planning and zoning.

## WSR 87-06-056

### ADOPTED RULES

### DEPARTMENT OF ECOLOGY

[Order 86-40—Filed March 4, 1987]

I, Phillip C. Johnson, deputy director of the Washington Department of Ecology, do promulgate and



**Table of WAC Sections Affected**

**KEY TO TABLE**

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

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